

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
Appeal Information Sheet

____ United States District Court for the _____
 ____ United States Court of International Trade
 ____ United States Claims Court

Type of case: _____

v.

Plaintiff(s)

Defendant(s)

(List all parties. Use asterisk to indicate dismissed or withdrawn parties. Use separate sheet if needed. Explain any discrepancy with caption used on judgment, order or opinion.)

Docket No. _____ Date of Judgment
or Order _____

Cross or related Date of Notice of
appeal? _____ Appeal _____

Appellant is: ____ Plaintiff ____ Defendant ____ Other (explain) _____

FEES: Court of Appeals Docket Fee Paid? ____ Yes ____ No
 U.S. Appeal? ____ Yes ____ No
 In forma pauperis? ____ Granted ____ Denied
 ____ Revoked ____ Pending ____ Never requested

COUNSEL

(List name, firm, address and telephone of lead counsel for each party. Indicate party represented. Use separate sheet if necessary.)

COURT REPORTER (Name and telephone): _____

IMPORTANT: Attach copy of opinion or order appealed from. Forward together with copy of notice of appeal and certified docket entries.

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Zydus Pharmaceuticals USA, Inc. and
Cadila Healthcare Limited

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TAKEDA PHARMACEUTICAL
COMPANY LIMITED, TAKEDA
PHARMACEUTICALS NORTH
AMERICA, INC., TAKEDA
PHARMACEUTICALS LLC,
TAKEDA PHARMACEUTICALS
AMERICA, INC., and ETHYPHARM,
S.A.,

Plaintiffs,

v.

ZYDUS PHARMACEUTICALS USA,
INC. and CADILA HEALTHCARE
LIMITED,

Defendants.

CIVIL ACTION NO:
3:10-CV-01723-JAP-TJB

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendants Zydus Pharmaceuticals USA, Inc. and Cadila Healthcare Limited (collectively “Defendants”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the Final Judgment and Injunction entered in the above-captioned action on May 7, 2013 (D.I. 346), and each and every part thereof, and from all other orders, rulings, findings and conclusions adverse to Defendants or in favor of Plaintiffs prior to entry of Final Judgment, including but not limited to: the District Court’s claim construction rulings and denial of Defendants’ Motion for Reconsideration of certain of those rulings (D.I. 113; 114; 130); the District Court’s denial of Defendants’ Motions *in Limine* (D.I. 317); all orders and rulings made during the trial in March 2013 and April 2013; and the Opinion dated May 7, 2013 (D.I. 345).

Dated: May 9, 2013

KELLEY DRYE & WARREN LLP

By: /s/ Vincent P. Rao II

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*Attorneys for Defendants Zydus
Pharmaceuticals USA, Inc. and Cadila
Healthcare Limited*

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2013, I caused to be served a copy of the foregoing Defendants Zydus Pharmaceuticals USA, Inc.'s and Cadila Healthcare Limited's Notice of Appeal on each interested party in this action in accordance with the electronic filing procedures of the United States District Court for the District of New Jersey via ECF and email on the following:

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Dated: May 9, 2013

/s/ Vincent P. Rao II
Vincent P. Rao II

ANDA, APPEAL, PRETRL, RULE 16, SCHEDO

U.S. District Court
District of New Jersey [LIVE] (Trenton)
CIVIL DOCKET FOR CASE #: 3:10-cv-01723-JAP-TJB
Internal Use Only

TAKEDA PHARMACEUTICAL COMPANY LIMITED et al v.
ZYDUS PHARMACEUTICALS (USA) INC. et al

Assigned to: Judge Joel A. Pisano

Referred to: Magistrate Judge Tonianne J. Bongiovanni

Case in other court: USCA for the Federal Circuit, 13-01089

Cause: 35:271 Patent Infringement

Date Filed: 04/05/2010

Date Terminated: 05/07/2013

Jury Demand: None

Nature of Suit: 830 Patent

Jurisdiction: Federal Question

Plaintiff

**TAKEDA PHARMACEUTICAL
COMPANY LIMITED**

represented by **CARISSA L. RODRIGUE**
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TERMINATED: 09/15/2010

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Plaintiff

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TERMINATED: 09/15/2011

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TERMINATED: 09/15/2010

ATTORNEY TO BE NOTICED

Plaintiff

TAKEDA PHARMACEUTICALS LLC

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ATTORNEY TO BE NOTICED

Plaintiff

**TAKEDA PHARMACEUTICALS
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ATTORNEY TO BE NOTICED

Plaintiff

ETHYPHARM, S.A.

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(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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TERMINATED: 09/15/2010

ATTORNEY TO BE NOTICED

V.

Defendant

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Defendant

CADILA HEALTHCARE LIMITED

represented by **JOSEPH A. BOYLE**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

VINCENT P. RAO

(See above for address)
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Counter Claimant

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Counter Claimant**CADILA HEALTHCARE LIMITED**

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V.

Counter Defendant**ETHYPHARM, S.A.**

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Counter Defendant**TAKEDA PHARMACEUTICAL
COMPANY LIMITED**

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*TERMINATED: 09/15/2010**ATTORNEY TO BE NOTICED***Counter Defendant****TAKEDA PHARMACEUTICALS
AMERICA, INC.**represented by **DILLON KIM**

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*TERMINATED: 07/16/2012**ATTORNEY TO BE NOTICED***JONATHAN M.H. SHORT**

(See above for address)

*ATTORNEY TO BE NOTICED***MARK H. ANANIA**

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*ATTORNEY TO BE NOTICED***SYMONE J. REDWINE**

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*TERMINATED: 09/15/2011**ATTORNEY TO BE NOTICED***WILLIAM J. HELLER**

(See above for address)

*TERMINATED: 09/15/2010**ATTORNEY TO BE NOTICED***Counter Defendant****TAKEDA PHARMACEUTICALS LLC**represented by **DILLON KIM**

(See above for address)

*TERMINATED: 07/16/2012**ATTORNEY TO BE NOTICED***JONATHAN M.H. SHORT**

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*ATTORNEY TO BE NOTICED***MARK H. ANANIA**

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*TERMINATED: 09/15/2011**ATTORNEY TO BE NOTICED***WILLIAM J. HELLER**

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*TERMINATED: 09/15/2010**ATTORNEY TO BE NOTICED***Counter Defendant****TAKEDA PHARMACEUTICALS
NORTH AMERICA, INC.**represented by **DILLON KIM**

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*TERMINATED: 07/16/2012**ATTORNEY TO BE NOTICED***JONATHAN M.H. SHORT**

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*ATTORNEY TO BE NOTICED***SYMONE J. REDWINE**

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*TERMINATED: 09/15/2011**ATTORNEY TO BE NOTICED***WILLIAM J. HELLER**

(See above for address)

*TERMINATED: 09/15/2010**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/05/2010	<u>1</u>	COMPLAINT against CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. (Filing fee \$ 350 receipt number 3047622.), filed by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA PHARMACEUTICALS AMERICA, INC., ETHYPHARM, S.A., TAKEDA PHARMACEUTICALS LLC. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit)(kak) (Entered: 04/07/2010)
04/05/2010	<u>2</u>	Corporate Disclosure Statement by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (kak) (Entered: 04/07/2010)
04/05/2010	<u>3</u>	Corporate Disclosure Statement by ETHYPHARM, S.A.. (kak) (Entered: 04/07/2010)
04/05/2010	<u>5</u>	AO120 Patent/Trademark Form filed. (eaj) (Entered: 04/07/2010)
04/07/2010	<u>4</u>	SUMMONS ISSUED as to CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *Kim Korchick* (kak) (Entered: 04/07/2010)

04/07/2010	6	NOTICE of Appearance by JONATHAN M.H. SHORT on behalf of ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. (SHORT, JONATHAN) (Entered: 04/07/2010)
04/07/2010	7	NOTICE of Appearance by SYMONE J. REDWINE on behalf of ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. (REDWINE, SYMONE) (Entered: 04/07/2010)
04/08/2010	8	NOTICE of Appearance by DILLON KIM on behalf of TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. (KIM, DILLON) (Entered: 04/08/2010)
04/16/2010	9	SUMMONS Returned Executed by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA PHARMACEUTICALS AMERICA, INC., ETHYPHARM, S.A., TAKEDA PHARMACEUTICALS LLC. ZYDUS PHARMACEUTICALS (USA) INC. served on 4/8/2010, answer due 4/29/2010. (HELLER, WILLIAM) (Entered: 04/16/2010)
04/20/2010	10	NOTICE of Appearance by MARK H. ANANIA on behalf of ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. (ANANIA, MARK) (Entered: 04/20/2010)
04/22/2010	11	MOTION for Leave to Appear Pro Hac Vice <i>Re: Eric J. Lobenfeld and Arlene L. Chow</i> by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Certification of William J. Heller, # 2 Certification of Eric J. Lobenfeld, # 3 Certification of Arlene L. Chow, # 4 Text of Proposed Order)(HELLER, WILLIAM) (Entered: 04/22/2010)
04/23/2010		Set Deadlines as to 11 MOTION for Leave to Appear Pro Hac Vice <i>Re: Eric J. Lobenfeld and Arlene L. Chow</i> . Motion set for 5/17/2010 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxxh) (Entered: 04/23/2010)
04/23/2010	12	MOTION for Leave to Appear Pro Hac Vice <i>PAUL A. RAGUSA</i> by ETHYPHARM, S.A.. (Attachments: # 1 Certification WILLIAM J. HELLER, # 2 Certification PAUL A. RAGUSA, # 3 Text of Proposed Order)(HELLER, WILLIAM) (Entered: 04/23/2010)
04/23/2010	13	MOTION for Leave to Appear Pro Hac Vice <i>LISA KOLE</i> by ETHYPHARM, S.A.. (Attachments: # 1 Certification WILLIAM J. HELLER, # 2 Certification LISA KOLE, # 3 Text of Proposed Order)(HELLER, WILLIAM) (Entered: 04/23/2010)



04/23/2010	14	MOTION for Leave to Appear Pro Hac Vice <i>JENNIFER C. TEMPESTA</i> by ETHYPHARM, S.A.. (Attachments: # 1 Certification WILLIAM J. HELLER, # 2 Certification JENNIFER C. TEMPESTA, # 3 Text of Proposed Order) (HELLER, WILLIAM) (Entered: 04/23/2010)
04/26/2010		Set Deadlines as to 14 MOTION for Leave to Appear Pro Hac Vice <i>JENNIFER C. TEMPESTA</i> , 13 MOTION for Leave to Appear Pro Hac Vice <i>LISA KOLE</i> , 12 MOTION for Leave to Appear Pro Hac Vice <i>PAUL A. RAGUSA</i> . Motion set for 5/17/2010 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 04/26/2010)
04/29/2010	15	NOTICE of Appearance by VINCENT P. RAO on behalf of ZYDUS PHARMACEUTICALS (USA) INC. (RAO, VINCENT) (Entered: 04/29/2010)
04/29/2010	16	NOTICE of Appearance by VINCENT P. RAO on behalf of CADILA HEALTHCARE LIMITED (RAO, VINCENT) (Entered: 04/29/2010)
04/30/2010	17	STIPULATION AND ORDER extending the time for Defts to answer or otherwise respond to the Complaint to 6/1/2010. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/30/2010. (gxh) (Entered: 04/30/2010)
05/03/2010	18	NOTICE by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. <i>NOTICE OF CHANGE OF FIRM NAME AND EMAIL ADDRESSES</i> (HELLER, WILLIAM) (Entered: 05/03/2010)
05/04/2010		CLERK'S QUALITY CONTROL MESSAGE - This message is in reference to the Notice of Change of Firm Name and E-mail Address 18 filed by William Heller, Esq. on 5/3/2010. If the attorney admitted Pro Hac Vice has changed his/her e-mail address, counsel is advised to submit the change to ecfchange@njd.uscourts.gov . Counsel not admitted Pro Hac Vice are advised to MAINTAIN YOUR ACCOUNT. Instructions on how to maintain your account can be found on our website www.njd.uscourts.gov -> CM/ECF -> USER GUIDE & INFORMATION. This message is for informational purposes only. (gxh) (Entered: 05/04/2010)
05/04/2010	19	MOTION for Leave to Appear Pro Hac Vice <i>for Philippe Riesen</i> by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Certification of William J. Heller, # 2 Certification of Philippe Riesen, # 3 Text of Proposed Order)(HELLER, WILLIAM) (Entered: 05/04/2010)
05/04/2010		Set Deadlines as to 19 MOTION for Leave to Appear Pro Hac Vice <i>for Philippe Riesen</i> . Motion set for 6/7/2010 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 05/04/2010)
05/10/2010	20	ACKNOWLEDGMENT OF SERVICE Executed by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA

		PHARMACEUTICALS AMERICA, INC., ETHYPHARM, S.A., TAKEDA PHARMACEUTICALS LLC. (HELLER, WILLIAM) (Entered: 05/10/2010)
05/11/2010		CLERK'S QUALITY CONTROL MESSAGE - This message is in reference to the Acknowledgment of Service 20 submitted by William Heller, Esq. on 5/10/2010. Counsel is advised that when asked who executed the Acknowledgment of Service to choose the Deft upon whom service was made and not the filer. This message is for informational purposes only. (gxh) (Entered: 05/11/2010)
05/25/2010	21	Letter from William J. Heller on consent for pro hac vice motions previously filed re 13 MOTION for Leave to Appear Pro Hac Vice <i>LISA KOLE</i> , 11 MOTION for Leave to Appear Pro Hac Vice <i>Re: Eric J. Lobenfeld and Arlene L. Chow</i> , 19 MOTION for Leave to Appear Pro Hac Vice <i>for Philippe Riesen</i> , 14 MOTION for Leave to Appear Pro Hac Vice <i>JENNIFER C. TEMPESTA</i> , 12 MOTION for Leave to Appear Pro Hac Vice <i>PAUL A. RAGUSA</i> . (HELLER, WILLIAM) (Entered: 05/25/2010)
05/25/2010	22	ORDER granting 11 Motion for Leave to Appear Pro Hac Vice as to Eric J. Lobenfeld, Esq. and Arlene L. Chow, Esq. on behalf of Pltfs Takeda. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/25/2010. (gxh) (Entered: 05/25/2010)
05/25/2010	23	ORDER granting 12 Motion for Leave to Appear Pro Hac Vice as to Paul A. Ragusa, Esq. on behalf of Pltf Ethypharm, S.A.. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/25/2010. (gxh) (Entered: 05/25/2010)
05/25/2010	24	ORDER granting 13 Motion for Leave to Appear Pro Hac Vice as to Lisa Kole, Esq. on behalf of Pltf Ethypharm, S.A.. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/25/2010. (gxh) (Entered: 05/25/2010)
05/25/2010	25	ORDER granting 14 Motion for Leave to Appear Pro Hac Vice as to Jennifer C. Tempesta, Esq. on behalf of Pltf Ethypharm, S.A.. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/25/2010. (gxh) (Entered: 05/25/2010)
05/25/2010	26	ORDER granting 19 Motion for Leave to Appear Pro Hac Vice as to Philippe Reisen, Esq. on behalf of Pltfs Takeda. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/25/2010. (gxh) (Entered: 05/25/2010)
05/26/2010	27	NOTICE of Appearance by JOSEPH A. BOYLE on behalf of CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. (BOYLE, JOSEPH) (Entered: 05/26/2010)
05/27/2010	28	STIPULATION AND ORDER extending time for Defts to answer or otherwise respond to the Complaint to 6/15/2010. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/26/2010. (gxh) (Entered: 05/27/2010)
06/15/2010	29	ANSWER to Complaint, COUNTERCLAIM against ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. by ZYDUS PHARMACEUTICALS (USA) INC., CADILA HEALTHCARE LIMITED. (Attachments: # 1 Rule 7.1 Statement)(BOYLE, JOSEPH) (Entered: 06/15/2010)


06/16/2010		CLERK'S QUALITY CONTROL MESSAGE - The Corporate Disclosure Statement filed by J. Boyle, Esq. on 6/15/2010 was submitted incorrectly as an attachment to the Answer to Complaint 29 . PLEASE RESUBMIT THE CORPORATE DISCLOSURE STATEMENT USING the event CORPORATE DISCLOSURE STATEMENT found under OTHER FILINGS -> OTHER DOCUMENTS. This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 06/16/2010)
06/16/2010	30	Corporate Disclosure Statement by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (BOYLE, JOSEPH) (Entered: 06/16/2010)
06/16/2010	31	ORDER SCHEDULING CONFERENCE: Initial Conference set for 8/3/2010 at 02:00 PM in Trenton - Courtroom 6E before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 6/16/2010. (gxh) (Entered: 06/16/2010)
06/23/2010	32	Application and Proposed Order for Clerk's Order to extend time to answer as to Takeda Pharmaceutical Company Limited, Takeda Pharmaceuticals North America, Inc., Takeda Pharmaceuticals LLC, Takeda Pharmaceuticals America, Inc., and Ethypharm, S.A... (HELLER, WILLIAM) (Entered: 06/23/2010)
06/24/2010		CLERKS TEXT ORDER - The Application for a Clerks Order Extending Time to Answer - Document # 32 submitted by W. Heller, Esq. on 6/23/2010 has been GRANTED. The answer due date has been set for 7/23/2010. (gxh) (Entered: 06/24/2010)
07/02/2010	33	ORDER granting leave to appear pro hac vice as to Steven J. Moore, Esq. and Delphine W. Knight Brown, Esq. on behalf of Defts. Signed by Magistrate Judge Tonianne J. Bongiovanni on 7/1/2010. (gxh) (Entered: 07/02/2010)
07/08/2010	34	<i>First Amended</i> ANSWER to Complaint <i>and</i> , COUNTERCLAIM against ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED by ZYDUS PHARMACEUTICALS (USA) INC., CADILA HEALTHCARE LIMITED.(BOYLE, JOSEPH) (Entered: 07/08/2010)
07/09/2010		CLERK'S QUALITY CONTROL MESSAGE - The Amended Answer 34 filed by J. Boyle, Esq. on 7/8/2010 was submitted incorrectly as an Answer to Complaint. PLEASE RESUBMIT THE AMENDED ANSWER USING the event AMENDED ANSWER TO COMPLAINT found under INITIAL PLEADINGS AND SERVICE -> OTHER ANSWERS. This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 07/09/2010)
07/09/2010	35	AMENDED ANSWER to <i>Complaint and</i> , COUNTERCLAIM against ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. by ZYDUS PHARMACEUTICALS (USA) INC., CADILA HEALTHCARE LIMITED. (BOYLE, JOSEPH) (Entered: 07/09/2010)
07/12/2010	36	Application and Proposed Order for Clerk's Order to extend time to answer. (HELLER, WILLIAM) (Entered: 07/12/2010)

07/13/2010		CLERKS TEXT ORDER - The Application for a Clerks Order Extending Time to Answer - Document # 36 submitted by W. Heller, Esq. on 7/12/2010 has been GRANTED. The answer due date has been set for 8/9/2010. (gxh) (Entered: 07/13/2010)
07/22/2010	37	STIPULATION of Dismissal of the Claims, Counterclaims, and Defenses with Respect to U.S. Patent No. 7,399,485 by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (HELLER, WILLIAM) (Entered: 07/22/2010)
07/23/2010	38	STIPULATION AND ORDER that the claims, counterclaims, and defenses with respect to the '485 Patent in this litigation are dismissed with prejudice. Signed by Judge Joel A. Pisano on 7/23/2010. (gxh) (Entered: 07/26/2010)
07/29/2010	39	SECOND AMENDED ANSWER to Complaint, COUNTERCLAIM against ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. by ZYDUS PHARMACEUTICALS (USA) INC., CADILA HEALTHCARE LIMITED.(BOYLE, JOSEPH) (Entered: 07/29/2010)
07/30/2010	40	Application and Proposed Order for Clerk's Order to extend time to answer. (HELLER, WILLIAM) (Entered: 07/30/2010)
08/02/2010		CLERKS TEXT ORDER - The Application for a Clerks Order Extending Time to Answer - Document # 40 submitted by W. Heller, Esq. on 7/30/2010 has been GRANTED. The answer due date has been set for 8/30/2010. (gxh) (Entered: 08/02/2010)
08/03/2010		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 8/3/2010. (mm,) (Entered: 08/30/2010)
08/24/2010	41	Notice of Request by Pro Hac Vice Steven J. Moore, Esq. to receive Notices of Electronic Filings. (BOYLE, JOSEPH) (Entered: 08/24/2010)
08/24/2010	42	Notice of Request by Pro Hac Vice Delphine W. Knight Brown, Esq. to receive Notices of Electronic Filings. (BOYLE, JOSEPH) (Entered: 08/24/2010)
08/25/2010		CLERK'S QUALITY CONTROL MESSAGE - Please be advised that the Requests for Electronic Notification of Pro Hac Vice Counsel 41 and 42 submitted by J. Boyle, Esq. on 8/24/2010 cannot be processed until pro hac counsel has been admitted and the application fee paid. Please review the Electronic Notification for Pro Hac Vice instructions on our website. Counsel is advised to resubmit the Request for Electronic Notification of Pro Hac Vice Counsel once payment has been recorded. This message is for informational purposes only. (gxh) (Entered: 08/25/2010)
08/25/2010		Pro Hac Vice fee: Steven J. Moore, Esq. \$ 150, receipt number TRE4477 and Delphine W. Knight Brown, Esq. \$150, receipt number TRE004478 (lk) (Entered: 08/25/2010)


08/25/2010	43	AFFIDAVIT/Certification in support of discovery confidentiality order of John E. Flaherty by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED. (Attachments: # 1 Text of Proposed Order) (FLAHERTY, JOHN) (Entered: 08/25/2010)
08/27/2010	44	NOTICE of Appearance by JOHN EDMUND FLAHERTY on behalf of TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. (FLAHERTY, JOHN) (Entered: 08/27/2010)
08/27/2010	45	LETTER ORDER setting certain deadlines; Fact Discovery relating to claim construction due by 11/19/2010; setting a Telephone Conference, which counsel for Takeda shall initiate, for 10/27/2010 at 02:30 PM before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 8/27/2010. (gxh) (Entered: 08/27/2010)
08/27/2010	46	STIPULATED PROTECTIVE ORDER. Signed by Magistrate Judge Tonianne J. Bongiovanni on 8/26/2010. (gxh) (Entered: 08/27/2010)
08/30/2010	47	ANSWER to Counterclaim by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC..(FLAHERTY, JOHN) (Entered: 08/30/2010)
08/30/2010	48	MOTION to Dismiss <i>Defendants Seventh Counterclaim Based On False Marking and Mislisting and Motion To Strike Defendants' Patent Misuse Allegations In Their Invalidity Counterclaims</i> by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(FLAHERTY, JOHN) (Entered: 08/30/2010)
08/31/2010		Set Deadlines as to 48 MOTION to Dismiss <i>Defendants Seventh Counterclaim Based On False Marking and Mislisting and Motion To Strike Defendants' Patent Misuse Allegations In Their Invalidity Counterclaims</i> . Motion set for 10/4/2010 before Judge Joel A. Pisano. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 08/31/2010)
09/15/2010	49	Notice to be terminated and withdraw from Notices of Electronic filing as to case. Attorney WILLIAM J. HELLER terminated. (HELLER, WILLIAM) (Entered: 09/15/2010)
09/20/2010	50	REPLY to Response to Motion re 48 MOTION to Dismiss <i>Defendants Seventh Counterclaim Based On False Marking and Mislisting and Motion To Strike Defendants' Patent Misuse Allegations In Their Invalidity Counterclaims</i> filed by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (BOYLE, JOSEPH) (Entered: 09/20/2010)
09/20/2010	51	RESPONSE in Opposition re 48 MOTION to Dismiss <i>Defendants Seventh Counterclaim Based On False Marking and Mislisting and Motion To Strike</i>

		<i>Defendants' Patent Misuse Allegations In Their Invalidity Counterclaims</i> filed by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (BOYLE, JOSEPH) (Entered: 09/20/2010)
09/21/2010		CLERK'S QUALITY CONTROL MESSAGE - The Response in Opposition to Motion 50 and 51 submitted by J. Boyle, Esq. on 9/20/2010 appear to be duplicates. These submissions will remain on the docket unless otherwise ordered by the court. This message is for informational purposes only. (gxh) (Entered: 09/21/2010)
09/27/2010	52	REPLY to Response to Motion re 48 MOTION to Dismiss <i>Defendants Seventh Counterclaim Based On False Marking and Mislisting and Motion To Strike Defendants' Patent Misuse Allegations In Their Invalidity Counterclaims</i> filed by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Declaration of Dillon Kim and Exhibits A-G thereto)(FLAHERTY, JOHN) (Entered: 09/27/2010)
09/27/2010	 53	Exhibit to 52 Reply to Response to Motion, by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Exhibit H and I to the Declaration of Dillon Kim)(FLAHERTY, JOHN) (Entered: 09/27/2010)
09/27/2010	54	MOTION to Seal Document 53 Exhibit (to Document), Exhibit (to Document) by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration of Dillon Kim, # 3 Text of Proposed Order)(FLAHERTY, JOHN) (Entered: 09/27/2010)
09/28/2010		Set Deadlines as to 54 MOTION to Seal Document 53 Exhibit (to Document), Exhibit (to Document) MOTION to Seal Document 53 Exhibit (to Document), Exhibit (to Document). Motion set for 11/1/2010 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 09/28/2010)
10/01/2010	55	Letter from Joseph A. Boyle. (BOYLE, JOSEPH) (Entered: 10/01/2010)
10/07/2010	56	Notice to be terminated and withdraw from Notices of Electronic filing as to case. (RAO, VINCENT) (Entered: 10/07/2010)
10/08/2010		(Court only) *** Party DELPHINE W. KNIGHT BROWN terminated as Notice Only per 56 Notice to Withdraw from NEF as to Case. (gxh) (Entered: 10/08/2010)
10/08/2010	57	Letter from Arlene L. Chow re 55 Letter. (FLAHERTY, JOHN) (Entered: 10/08/2010)
10/14/2010	58	MOTION for Leave to Appear Pro Hac Vice <i>for James Moriarty</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Declaration of Joseph A. Boyle, # 2 Declaration of James


		Moriarty, # 3 Text of Proposed Order)(BOYLE, JOSEPH) (Entered: 10/14/2010)
10/15/2010		CLERK'S QUALITY CONTROL MESSAGE - The Declaration in support of Motion for Leave to Appear Pro Hac Vice 58 submitted by J. Boyle, Esq. on 10/14/2010 contains an improper signature (s/James Moriarty). Only Registered Users are permitted to sign electronically filed documents with an s/. PLEASE RESUBMIT THE DECLARATION ONLY WITH A PROPER ELECTRONIC OR SCANNED SIGNATURE. This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 10/15/2010)
10/15/2010		Set Deadlines as to 58 MOTION for Leave to Appear Pro Hac Vice <i>for James Moriarty</i> . Motion set for 11/15/2010 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/15/2010)
10/15/2010	59	MOTION for Leave to Appear Pro Hac Vice <i>as to James Moriarty</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Declaration of Joseph A. Boyle, # 2 Declaration of James Moriarty, # 3 Text of Proposed Order)(BOYLE, JOSEPH) (Entered: 10/15/2010)
10/18/2010		Set Deadlines as to 59 MOTION for Leave to Appear Pro Hac Vice <i>as to James Moriarty</i> . Motion set for 11/15/2010 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/18/2010)
10/19/2010	60	LETTER ORDER that the Telephone Status Conference set for 10/27/2010 at 2:30 PM has been rescheduled to 12:30 PM before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 10/19/2010. (gxh) (Entered: 10/20/2010)
10/21/2010	61	Letter from John E. Flaherty re extension until Monday, October 25, 2010 to submit the Parties Joint Claim Construction and Prehearing Statement.. (FLAHERTY, JOHN) (Entered: 10/21/2010)
10/25/2010	62	STATEMENT <i>JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT AND EXHIBIT A</i> by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (FLAHERTY, JOHN) (Entered: 10/25/2010)
10/26/2010	63	ORDER granting 54 Motion to Seal Document. Signed by Magistrate Judge Tonianne J. Bongiovanni on 10/26/2010. (gxh) (Entered: 10/26/2010)
10/29/2010		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 10/29/2010. (mm) (Entered: 10/29/2010)
11/10/2010	64	Letter from Vincent P. Rao, II. (RAO, VINCENT) (Entered: 11/10/2010)
11/16/2010	65	LETTER ORDER granting Defts leave to amend their Non-Infringement and Invalidity Contentions. Signed by Magistrate Judge Tonianne J. Bongiovanni on 11/16/2010. (gxh) (Entered: 11/16/2010)



11/18/2010	66	ORDER granting 58 and 59 Motion for Leave to Appear Pro Hac Vice as to James Moriarty, Esq. on behalf of Defts. Signed by Magistrate Judge Tonianne J. Bongiovanni on 11/18/2010. (gxh) (Entered: 11/18/2010)
11/22/2010		Pro Hac Vice fee: James Moriarty, Esq. \$ 150, receipt number TRE006603 (eaj) (Entered: 11/22/2010)
11/23/2010	67	LETTER ORDER setting a Telephone Status Conference for 12/15/2010 at 01:30 PM before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 11/23/2010. (gxh) (Entered: 11/23/2010)
11/30/2010	68	NOTICE of Appearance by CARISSA L. RODRIGUE on behalf of TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. (RODRIGUE, CARISSA) (Entered: 11/30/2010)
12/03/2010	69	BRIEF <i>IN SUPPORT OF PROPOSED CLAIM CONSTRUCTION</i> filed by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Declaration of Pamela Meyer-Stout Ph.D, # 2 Declaration of James M. Moriarty, # 3 Exhibit 1-5 to Declaration of James M. Moriarty, # 4 Certificate of Service)(BOYLE, JOSEPH) (Entered: 12/03/2010)
12/03/2010	70	BRIEF <i>Opening Claim Construction</i> filed by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Declaration of Stephen R. Byrn, # 2 Exhibit 1-9, # 3 Exhibit 10-18, # 4 Exhibit 19-23)(FLAHERTY, JOHN) (Entered: 12/03/2010)
12/09/2010	71	Letter from Vincent P. Rao II, Esq re 66 Order on Motion for Leave to Appear,. (Attachments: # 1 Certification of James Moriarty, Esq.)(RAO, VINCENT) (Entered: 12/09/2010)
12/10/2010	72	Letter from Vincent P. Rao, written with the consent of Plaintiffs' counsel, requesting leave for a short extension of the parties' deadline to complete expert Markman discovery. (Attachments: # 1 Proposed Order)(RAO, VINCENT) (Entered: 12/10/2010)
12/14/2010	73	ORDER that expert Markman discovery shall be completed by 1/12/2011; that responsive Markman submissions shall be filed by 2/1/2011; that counsel for all parties shall engage in a meet and confer on or before 2/15/2011 to discuss a proposed schedule to the Court for Markman hearings. Signed by Magistrate Judge Tonianne J. Bongiovanni on 12/13/2010. (gxh) (Entered: 12/14/2010)
12/15/2010	74	Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 12/15/2010. (DIGITALLY RECORDED) (mm) (Entered: 12/15/2010)
12/22/2010	 75	Transcript of TELECONFERENCE held on 12/15/2010, before Judge TONIANNE J. BONGIOVANNI. Court Reporter/Transcriber AudioEdge Transcription, LLC, Telephone number (973) 618-2310. NOTICE REGARDING REDACTION OF TRANSCRIPTS: The parties have seven




		(7) calendar days to file with the Court a Notice of Intent to Request Redaction of this Transcript. Redaction Request due 1/12/2011. Redacted Transcript Deadline set for 1/24/2011. Release of Transcript Restriction set for 3/22/2011. (mmh) (Entered: 12/22/2010)
01/26/2011	76	Letter from John E. Flaherty re pro hac vice admission of Eric Lobenfeld, Arlene Chow and Philippe Riesen. (FLAHERTY, JOHN) (Entered: 01/26/2011)
01/26/2011	77	NOTICE of Appearance by DILLON KIM on behalf of ETHYPHARM, S.A. (KIM, DILLON) (Entered: 01/26/2011)
01/31/2011	78	LETTER ORDER that attorneys Eric Lobenfeld, Esq., Arlene Chow, Esq. and Philippe Riesen, Esq. already admitted pro hac vice additionally appear pro hac vice on behalf of co-Pltf Ethypharm, S.A.. Signed by Magistrate Judge Tonianne J. Bongiovanni on 1/28/2011. (gxh) (Entered: 01/31/2011)
02/01/2011	79	CASE MANAGEMENT ORDER: responsive <i>Markman</i> submissions shall be filed on 2/8/2011; that counsel for all parties shall meet and confer on or before 2/22/2011 to discuss a proposed schedule to the Court for <i>Markman</i> hearings. Signed by Magistrate Judge Tonianne J. Bongiovanni on 2/1/2011. (gxh) (Entered: 02/01/2011)
02/08/2011	80	RESPONSE re 70 Brief,. (Attachments: # 1 Reply Declaration of Paula Meyer-Stout Ph.D. in Support of Defendants' Proposed Claim Constructions, # 2 Reply Declaration of James M. Moriarty in Support of Defendants' Responsive Claim Construction Brief, # 3 Exhibit 1 to Declaration of James M. Moriarty, # 4 Exhibit 2 to Declaration of James M. Moriarty, # 5 Exhibit 3 to Declaration of James M. Moriarty, # 6 Exhibit 4 to Declaration of James M. Moriarty, # 7 Exhibit 5 to Declaration of James M. Moriarty, # 8 Exhibit 6 to Declaration of James M. Moriarty, # 9 Exhibit 7 to Declaration of James M. Moriarty, # 10 Exhibit 8 to Declaration of James M. Moriarty, # 11 Exhibit 9 to Declaration of James M. Moriarty, # 12 Exhibit 10 to Declaration of James M. Moriarty, # 13 Exhibit 11 to Declaration of James M. Moriarty, # 14 Exhibit 12 to Declaration of James M. Moriarty, # 15 Exhibit 13 to Declaration of James M. Moriarty, # 16 Exhibit 14 to Declaration of James M. Moriarty, # 17 Exhibit 15 to Declaration of James M. Moriarty, # 18 Exhibit 16 to Declaration of James M. Moriarty, # 19 Exhibit 17 to Declaration of James M. Moriarty, # 20 Certificate of Service)(BOYLE, JOSEPH) (Entered: 02/08/2011)
02/08/2011	81	RESPONSE re 69 Brief,. (Attachments: # 1 Declaration of Dillon Kim, # 2 Exhibit 24-29 to the Declaration of Dillon Kim, # 3 Exhibit 30-32 to the Declaration of Dillon Kim)(FLAHERTY, JOHN) (Entered: 02/08/2011)
02/09/2011		CLERK'S QUALITY CONTROL MESSAGE - The Response (Not Motion) 80 submitted by J. Boyle, Esq. on 2/8/2011 contains an improper signature (s/James M. Moriarty). Only the filing user is permitted to sign electronically filed documents with an s/. PLEASE RESUBMIT THE DECLARATION ONLY WITH A PROPER ELECTRONIC SIGNATURE. This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 02/09/2011)
02/09/2011	82	DECLARATION of James M. Moriarty, Esq re 80 Response (NOT Motion), Response (NOT Motion), Response (NOT Motion), Response (NOT Motion), Response (NOT Motion) <i>In Support of Defendants' Responsive Claim</i>




		<i>Construction Brief</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (BOYLE, JOSEPH) (Entered: 02/09/2011)
02/25/2011	83	Letter from John E. Flaherty proposing Claim Construction Hearing dates. (FLAHERTY, JOHN) (Entered: 02/25/2011)
03/22/2011		(Court only) *** 75 Transcript deadlines terminated. (mmh) (Entered: 03/22/2011)
03/29/2011	84	Letter from John E. Flaherty submitting supplemental authority re 48 MOTION to Dismiss <i>Defendants Seventh Counterclaim Based On False Marking and Mislisting and Motion To Strike Defendants' Patent Misuse Allegations In Their Invalidity Counterclaims</i> . (Attachments: # 1 Exhibit A)(FLAHERTY, JOHN) (Entered: 03/29/2011)
05/04/2011		ATTENTION COUNSEL: Markman Hearing (ORAL ARGUMENT ONLY) set for 5/26/2011 09:15 AM in Trenton - Courtroom 1. Also, all IT Technicians and Paralegals are directed to be present for MANDATORY appointment with Court personnel re Courtroom Technology set for 5/25/2011 at 2:00 p.m. Please confirm receipt of court notice by letter (e-file) not later than 5/5/2011. (DS) (Entered: 05/04/2011)
05/05/2011	85	Letter from Vincent P. Rao. (RAO, VINCENT) (Entered: 05/05/2011)
05/05/2011	86	Letter from John E. Flaherty confirming receipt of May 4 text order and attendance at May 26 Markman hearing. (FLAHERTY, JOHN) (Entered: 05/05/2011)
05/09/2011	87	NOTICE of Appearance by ELINA SLAVIN on behalf of All Plaintiffs (SLAVIN, ELINA) (Entered: 05/09/2011)
05/20/2011	88	Letter from Joseph A. Boyle, Esq. (BOYLE, JOSEPH) (Entered: 05/20/2011)
05/23/2011	89	Letter from Eric J. Lobenfeld to Hon. Joel A. Pisano regarding the Mylan Action. (FLAHERTY, JOHN) (Entered: 05/23/2011)
05/24/2011	90	AMENDED DOCUMENT by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. Amendment to 81 Response (NOT Motion) <i>Exhibit 24 to the Declaration of Dillon Kim</i> . (FLAHERTY, JOHN) (Entered: 05/24/2011)
05/25/2011	91	OPINION filed. Signed by Judge Joel A. Pisano on 5/25/2011. (eaj) (Entered: 05/25/2011)
05/25/2011	92	ORDER granting 48 Plaintiff's Motion to Dismiss Defendants Seventh Counterclaim pursuant to Federal Rule of Civil Procedure 12(b)(6) and to strike certain allegations in the counterclaims of patent misuse pursuant to Rule 12(f); Ordering that Defendants are granted leave to file an amended pleading within 28 dys of this Order. Signed by Judge Joel A. Pisano on 5/25/2011. (eaj) (Entered: 05/25/2011)



05/26/2011	93	Minute Entry for proceedings held before Judge Joel A. Pisano: Markman Hearing held on 5/26/2011. Bench ruling - Decision Reserved. (Court Reporter J. Caruso.) (DS) (Entered: 05/26/2011)
06/14/2011	94	STATEMENT / <i>Revised Joint Claim Construction and Prehearing Statement</i> by CADILA HEALTHCARE LIMITED, ETHYPHARM, S.A., STEVEN MOORE, TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Declaration of Steven J. Moore, Esq.)(RAO, VINCENT) (Entered: 06/14/2011)
07/14/2011	95	Corporate Disclosure Statement by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. identifying Zydus International Pvt. Ltd. - Ireland as Corporate Parent.. (RAO, VINCENT) (Entered: 07/14/2011)
07/18/2011	96	Letter from John E. Flaherty re Stipulation and Amended Complaint. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A)(FLAHERTY, JOHN) (Entered: 07/18/2011)
07/25/2011	97	STIPULATION AND ORDER Permitting Plaintiff to file an Amended Complaint; Zydus shall respond to the Amended complaint within 21 days of filing. Signed by Judge Joel A. Pisano on 7/25/2011. (eaj) (Entered: 07/25/2011)
07/26/2011	98	AMENDED COMPLAINT against CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC., filed by TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., ETHYPHARM, S.A., TAKEDA PHARMACEUTICALS LLC. (Attachments: # 1 Exhibit A-D)(FLAHERTY, JOHN) (Entered: 07/26/2011)
08/16/2011	99	ANSWER to Amended Complaint, COUNTERCLAIM against All Plaintiffs by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Certificate of Service)(BOYLE, JOSEPH) (Entered: 08/16/2011)
08/17/2011	100	TEXT ORDER - Status Conference via telephone set for September 8, 2011 at 3:30 PM before Magistrate Judge Tonianne J. Bongiovanni. It shall be plaintiffs counsels responsibility to contact all counsel to set up the conference as well as to initiate the call. Kindly mark your calendar accordingly. Ordered by Magistrate Judge Tonianne J. Bongiovanni.(mm) (Entered: 08/17/2011)
08/18/2011	101	TEXT ORDER - Telephone Conference set for September 8, 2011, is hereby RESCHEDULED to September 9, 2011 at 11:30 AM before Magistrate Judge Tonianne J. Bongiovanni. It shall be plaintiffs counsels responsibility to contact all counsel to set up the conference as well as to initiate the call. Kindly mark your calendar accordingly. Ordered by Magistrate Judge Tonianne J. Bongiovanni.(mm) (Entered: 08/18/2011)
08/19/2011	102	Notice of Request by Pro Hac Vice Arlene L. Chow to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-3890783.) (FLAHERTY, JOHN) (Entered: 08/19/2011)



08/19/2011	103	Notice of Request by Pro Hac Vice Philippe Y. Riesen to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-3890813.) (FLAHERTY, JOHN) (Entered: 08/19/2011)
08/19/2011	104	Notice of Request by Pro Hac Vice Eric J. Lobenfeld to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-3890818.) (FLAHERTY, JOHN) (Entered: 08/19/2011)
08/19/2011	105	Notice of Request by Pro Hac Vice Jennifer C. Tempesta to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-3890825.) (FLAHERTY, JOHN) (Entered: 08/19/2011)
08/19/2011	106	Notice of Request by Pro Hac Vice Lisa B. Kole to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-3890831.) (FLAHERTY, JOHN) (Entered: 08/19/2011)
08/19/2011	107	Notice of Request by Pro Hac Vice Paul A. Ragusa to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-3890839.) (FLAHERTY, JOHN) (Entered: 08/19/2011)
08/22/2011		(Court only) ***PHV Parties PAUL A. RAGUSA, LISA B. KOLE, JENNIFER C. TEMPESTA, ERIC J. LOBENFELD, PHILIPPE Y. RIESEN and ARLENE L. CHOW added as NOTICE ONLY. (gxh) (Entered: 08/22/2011)
09/06/2011	108	ANSWER to Counterclaim by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC..(FLAHERTY, JOHN) (Entered: 09/06/2011)
09/09/2011		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 9/9/2011. (mm) (Entered: 09/09/2011)
09/15/2011	109	Notice to be terminated and withdraw from Notices of Electronic filing as to case. Attorney SYMONE J. REDWINE terminated. (REDWINE, SYMONE) (Entered: 09/15/2011)
09/26/2011	110	Letter from John E. Flaherty proposing deadlines for upcoming discovery activities and summary judgment motions. (FLAHERTY, JOHN) (Entered: 09/26/2011)
09/27/2011	111	LETTER ORDER setting certain discovery and summary judgment motion deadlines; that fact discovery is due by 11/23/2011; setting a telephonic Status Conference, which Pltf shall initiate, for 11/30/2011 at 10:00 AM before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 9/27/2011. (gxh) (Entered: 09/27/2011)
10/04/2011	112	CONSENT ORDER granting leave to appear Pro Hac Vice as to Sandra Lee, Esq.. Signed by Magistrate Judge Tonianne J. Bongiovanni on 10/4/2011. (ej) (Entered: 10/04/2011)
10/05/2011	113	OPINION. Signed by Judge Joel A. Pisano on 10/5/2011. (gxh) (Entered: 10/05/2011)


10/05/2011	114	ORDER that the disputed claim terms in the '994 patent, '942 patent and the '632 patent shall be construed as set forth in the accompanying Opinion. Signed by Judge Joel A. Pisano on 10/5/2011. (gxh) (Entered: 10/05/2011)
10/05/2011	115	Notice of Request by Pro Hac Vice Sanda Lee to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-3966492.) (FLAHERTY, JOHN) (Entered: 10/05/2011)
10/05/2011		(Court only) ***PHV Party SANDRA LEE added as NOTICE ONLY. (gxh) (Entered: 10/05/2011)
10/19/2011	116	MOTION for Reconsideration re 113 Opinion, 114 Order of Claim Construction by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Declaration, # 3 Text of Proposed Order)(RAO, VINCENT) (Entered: 10/19/2011)
10/20/2011		Set Deadlines as to 116 MOTION for Reconsideration re 113 Opinion, 114 Order of Claim Construction. Motion set for 11/21/2011 before Judge Joel A. Pisano. The motion will be decided on the papers. No appearances required unless notified by the court. (jjc) (Entered: 10/20/2011)
11/07/2011	117	BRIEF in Opposition re 116 MOTION for Reconsideration re 113 Opinion, 114 Order of Claim Construction filed by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (FLAHERTY, JOHN) (Entered: 11/07/2011)
11/11/2011	118	MOTION for Leave to File <i>A Reply In Further Support of Motion for Reconsideration</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 11/11/2011)
11/14/2011		Set Deadlines as to 118 MOTION for Leave to File <i>A Reply In Further Support of Motion for Reconsideration</i> . Motion set for 12/19/2011 before Judge Joel A. Pisano. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 11/14/2011)
11/16/2011	119	LETTER ORDER denying 118 Motion for Leave to File a Reply in Further Support of Motion for Reconsideration. Signed by Judge Joel A. Pisano on 11/16/2011. (gxh) (Entered: 11/16/2011)
11/23/2011	120	Letter from Vincent P. Rao II, Esq. (RAO, VINCENT) (Entered: 11/23/2011)
11/29/2011		(Court only) 116 MOTION for Reconsideration no longer referred to Magistrate Judge Bongiovanni. (mm) (Entered: 11/29/2011)
12/02/2011	121	LETTER ORDER rescheduling the Telephone Conference to 1/10/2012 at 10:00 AM before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 12/1/2011. (gxh) (Entered: 12/02/2011)
12/13/2011	122	APPLICATION/PETITION for Pro Hac Vice Admission of Takashi Okuda for by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS



		LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Certification of John E. Flaherty, # 2 Certification of Takashi Okuda, # 3 Text of Proposed Order)(FLAHERTY, JOHN) (Entered: 12/13/2011)
12/14/2011	123	CONSENT ORDER granting leave to appear pro hac vice as to Takashi Okuda, Esq. on behalf of Pltfs. Signed by Magistrate Judge Tonianne J. Bongiovanni on 12/14/2011. (gxh) (Entered: 12/14/2011)
12/14/2011	124	Notice of Request by Pro Hac Vice Takashi Okuda to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 150 receipt number 0312-4083271.) (FLAHERTY, JOHN) (Entered: 12/14/2011)
12/15/2011		(Court only) ***Party TAKASHI OKUDA added as NOTICE ONLY. (jjc) (Entered: 12/15/2011)
12/16/2011	125	LETTER ORDER that Takashi Okuda, Esq.'s <i>pro hac vice</i> admission is extended to include Pltf Ethypharm, S.A.. Signed by Magistrate Judge Tonianne J. Bongiovanni on 12/16/2011. (gxh) (Entered: 12/16/2011)
01/10/2012		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 1/10/2012. Status Telephone Conference set for 3/20/2012 10:00 AM before Magistrate Judge Tonianne J. Bongiovanni. (mm) (Entered: 01/10/2012)
01/10/2012	126	NOTICE by ETHYPHARM, S.A. <i>for Withdrawal of Baker Botts as Attorney of Record for Ethypharm, S.A.</i> (FLAHERTY, JOHN) (Entered: 01/10/2012)
01/11/2012		(Court only) *** Party JENNIFER C. TEMPESTA, LISA B. KOLE and PAUL A. RAGUSA terminated per 126 NOTICE. (gxh) (Entered: 01/11/2012)
01/12/2012	127	Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 1/12/2012. (DIGITALLY RECORDED) (mm) (Entered: 01/12/2012)
01/18/2012	128	MOTION to Seal <i>Exhibit 1</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 01/18/2012)
01/18/2012	 129	Exhibit to 128 Motion to Seal by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Main Document 129 replaced on 2/8/2012 per 138 LETTER ORDER) (gxh) (Entered: 01/18/2012)
01/19/2012		Set Deadlines as to 128 MOTION to Seal <i>Exhibit 1</i> . Motion set for 2/21/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 01/19/2012)
01/25/2012	130	ORDER denying 116 Defts' Motion for Reconsideration. Signed by Judge Joel A. Pisano on 1/25/2012. (gxh) (Entered: 01/25/2012)
01/26/2012	131	LETTER ORDER that the Court will not alter the parties' Discovery Confidentiality Order and compel the production of the deposition transcripts in question. Signed by Magistrate Judge Tonianne J. Bongiovanni on 1/26/2012. (gxh) (Entered: 01/26/2012)


01/27/2012	132	Letter from John E. Flaherty to the Honorable Tonianne J. Bongiovanni seeking an Order to strike Defendants' previously undisclosed invalidity arguments based on prior art in the Expert Report of Paula Meyer-Stout, Ph.D.. (FLAHERTY, JOHN) (Entered: 01/27/2012)
01/27/2012	 133	Exhibit to 132 Letter by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(FLAHERTY, JOHN) (Entered: 01/27/2012)
01/27/2012	134	Letter from Vincent P. Rao re 132 Letter. (RAO, VINCENT) (Entered: 01/27/2012)
01/30/2012	135	MOTION to Seal Document 133 Exhibit (to Document), Exhibit (to Document) by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration of Carissa L. Rodrigue, # 3 Text of Proposed Order)(FLAHERTY, JOHN) (Entered: 01/30/2012)
01/30/2012		Set Deadlines as to 135 MOTION to Seal Document 133 Exhibit (to Document). Motion set for 3/5/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 01/30/2012)
02/07/2012	136	Letter from Vincent P. Rao II, Esq. (RAO, VINCENT) (Entered: 02/07/2012)
02/07/2012	137	LETTER ORDER setting certain deadlines; that Defts will move to amend their operative Invalidity and Non-infringement Contentions by 2/10/2012; that Pltfs will respond to the motion by 2/24/2012; that any reply will be filed by 3/1/2012. Signed by Magistrate Judge Tonianne J. Bongiovanni on 2/7/2012. (gxh) (Entered: 02/07/2012)
02/08/2012	 138	LETTER ORDER and ORDER TO TEMPORARILY SEAL the materials attached to this Order, pending the outcome of the current Motion to Seal (Docket Entry No. 128); that the Clerk shall replace Docket Entry No. 129 with the attached materials; that Docket Entry No. 129 shall remain under temporary seal. Signed by Magistrate Judge Tonianne J. Bongiovanni on 2/8/2012. (Attachments: # 1 SEALED EXHIBIT(S))(gxh) (Entered: 02/08/2012)
02/10/2012	139	MOTION to Seal <i>Memorandum of Law in Support of Motion for Leave to Amend Defendants' Preliminary Non-Infringement Contentions and Supporting Exhibits</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 02/10/2012)
02/10/2012	 140	Exhibit to 139 Motion to Seal, by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Declaration of Vincent P. Rao, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Text of Proposed Order, # 9 Brief)(RAO,


		VINCENT) (Entered: 02/10/2012)
02/14/2012		Set Deadlines as to 139 MOTION to Seal <i>Memorandum of Law in Support of Motion for Leave to Amend Defendants' Preliminary Non-Infringement Contentions and Supporting Exhibits</i> . Motion set for 3/5/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 02/14/2012)
02/14/2012		CLERK'S QUALITY CONTROL MESSAGE - This message is in reference to the documents filed under Docket Entry No. 140 as Exhibit to 139 Motion to Seal. The documents appear to be a Motion with supporting attachments and not actually an Exhibit to the Motion to Seal. Although counsel cannot seal a Notice of Motion (when properly using the applicable motion event), the supporting documents can be filed under seal when they are filed using the applicable responses/reply events. Should counsel wish for the motion to be heard before this Court, he shall re-file same using the applicable motion event and file the supporting documents under seal in a separate docket entry. This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 02/14/2012)
02/14/2012	141	MOTION to Amend/Correct <i>Preliminary Non-Infringement Contentions</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Declaration of Vincent P. Rao, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 02/14/2012)
02/14/2012	 142	Exhibit to 139 Motion to Seal, 141 Motion to Amend/Correct by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Exhibit A to Rao Declaration, # 2 Exhibit B to Rao Declaration, # 3 Exhibit C to Rao Declaration, # 4 Exhibit D to Rao Declaration, # 5 Exhibit E to Rao Declaration, # 6 Exhibit F to Rao Declaration)(RAO, VINCENT) (Entered: 02/14/2012)
02/14/2012		Set Deadlines as to 141 MOTION to Amend/Correct <i>Preliminary Non-Infringement Contentions</i> . Motion set for 3/5/2012 before Judge Joel A. Pisano. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 02/14/2012)
02/14/2012		CLERK'S QUALITY CONTROL MESSAGE - The Memorandum of Law 142 filed by V. Rao, Esq. on 2/14/2012 was submitted incorrectly as an Exhibit. PLEASE RESUBMIT the Memorandum of Law USING the event MEMORANDUM IN SUPPORT OF MOTION found under Motions and Related Filings -> Responses and Replies. This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 02/14/2012)
02/14/2012	 143	MEMORANDUM in Support re 141 MOTION to Amend/Correct <i>Preliminary Non-Infringement Contentions</i> filed by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 02/14/2012)
02/14/2012	144	ORDER granting 128 Motion to Seal; that the Clerk shall permanently seal the materials which are the subject of this motion (Docket Entry Nos. 129 and 138 -1) accordingly. Signed by Magistrate Judge Tonianne J. Bongiovanni on 2/14/2012. (gxh) (Entered: 02/15/2012)


02/21/2012	145	MOTION for Sanctions (<i>Spoliation Sanctions in the Form of Exclusion of Zydus' Evidence of Particle Size Testing On Pre-Tableted Granules</i>) by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Declaration of Arlene L. Chow, # 2 Text of Proposed Order) (FLAHERTY, JOHN) (Entered: 02/21/2012)
02/21/2012	 146	BRIEF in Support filed by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. re 145 MOTION for Sanctions (<i>Spoliation Sanctions in the Form of Exclusion of Zydus' Evidence of Particle Size Testing On Pre-Tableted Granules</i>) MOTION for Sanctions (<i>Spoliation Sanctions in the Form of Exclusion of Zydus' Evidence of Particle Size Testing On Pre-Tableted Granules</i>) (Attachments: # 1 Exhibit 1 to the Declaration of Arlene L. Chow, # 2 Exhibit 2 to the Declaration of Arlene L. Chow, # 3 Exhibit 3 to the Declaration of Arlene L. Chow, # 4 Exhibit 4 to the Declaration of Arlene L. Chow, # 5 Exhibit 5 to the Declaration of Arlene L. Chow, # 6 Exhibit 6 to the Declaration of Arlene L. Chow, # 7 Exhibit 7 to the Declaration of Arlene L. Chow, # 8 Exhibit 8 to the Declaration of Arlene L. Chow, # 9 Exhibit 9 to the Declaration of Arlene L. Chow, # 10 Exhibit 10 to the Declaration of Arlene L. Chow, # 11 Exhibit 11 to the Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 02/21/2012)
02/21/2012	147	MOTION to Seal Document 146 Brief in Support of Motion,,, by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration of Carissa L. Rodrigue, # 3 Text of Proposed Order)(FLAHERTY, JOHN) (Entered: 02/21/2012)
02/22/2012		Set Deadlines as to 145 MOTION for Sanctions (<i>Spoliation Sanctions in the Form of Exclusion of Zydus' Evidence of Particle Size Testing On Pre-Tableted Granules</i>) MOTION for Sanctions (<i>Spoliation Sanctions in the Form of Exclusion of Zydus' Evidence of Particle Size Testing On Pre-Tableted Granules</i>). Motion set for 3/19/2012 before Judge Joel A. Pisano. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 02/22/2012)
02/22/2012		Set Deadlines as to 147 MOTION to Seal Document 146 Brief in Support of Motion. Motion set for 3/19/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 02/22/2012)
02/24/2012	 148	BRIEF in Opposition filed by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. re 141 MOTION to Amend/Correct <i>Preliminary Non-Infringement Contentions</i> (Attachments: # 1 Exhibit 1 to the Declaration of Arlene L. Chow, # 2 Exhibit 2 to the Declaration of Arlene L. Chow, # 3 Exhibit 3 to the Declaration of



		Arlene L. Chow, # 4 Exhibit 4 to the Declaration of Arlene L. Chow, # 5 Exhibit 5 to the Declaration of Arlene L. Chow, # 6 Exhibit 7 to the Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 02/24/2012)
02/24/2012	149	DECLARATION of Arlene L. Chow re 148 Brief in Opposition to Motion,, by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Exhibit 6 to the Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 02/24/2012)
02/24/2012	150	MOTION to Seal Document 148 Brief in Opposition to Motion,, and Exhibits 1-5 and 7 to the Declaration of Arlene L. Chow by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration of Carissa L. Rodrigue, # 3 Text of Proposed Order)(FLAHERTY, JOHN) (Entered: 02/24/2012)
02/27/2012		Set Deadlines as to 150 MOTION to Seal Document 148 Brief in Opposition to Motion,, and Exhibits 1-5 and 7 to the Declaration of Arlene L. Chow MOTION to Seal Document 148 Brief in Opposition to Motion,, and Exhibits 1-5 and 7 to the Declaration of Arlene L. Chow. Motion set for 3/19/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 02/27/2012)
02/27/2012	151	ORDER granting 135 Motion to Seal Document 133 Exhibits; that Deft shall, within 30 days of the date of this Order, file redacted versions, if possible, of the material sealed by way of this motion which shall be available to the public. Signed by Magistrate Judge Tonianne J. Bongiovanni on 2/27/2012. (gxh) (Entered: 02/27/2012)
02/27/2012	152	ORDER granting 139 Motion to Seal Memorandum of Law in Support of Motion for Leave to Amend Defts' Preliminary Non-Infringement Contentions and Supporting Exhibits; that Defts shall, within 30 days of the date of entry of this Order, file redacted versions of the materials sealed by way of this Order which shall be available to the public. Signed by Magistrate Judge Tonianne J. Bongiovanni on 2/27/2012. (gxh) (Entered: 02/27/2012)
03/01/2012	153	MOTION to Seal Document (<i>To Seal Reply In Further Support of Motion to Amend Preliminary Invalidity and Non-Infringement Contentions and Supporting Declaration of Vincent Rao with Exhibits</i>) by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Motion To Seal, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 03/01/2012)
03/01/2012	 154	REPLY to Response to Motion filed by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. re 141 MOTION to Amend/Correct <i>Preliminary Non-Infringement Contentions</i> (Attachments: # 1 Declaration of Vincent P. Rao II, # 2 Exhibit 1 to the Declaration of Vincent P. Rao II, # 3 Exhibit to the Declaration of Vincent P. Rao II, # 4 Exhibit 3-4 to the Declaration of Vincent P. Rao II)(RAO, VINCENT) (Entered: 03/01/2012)

03/02/2012		Set Deadlines as to 153 MOTION to Seal Document (<i>To Seal Reply In Further Support of Motion to Amend Preliminary Invalidity and Non-Infringement Contentions and Supporting Declaration of Vincent Rao with Exhibits</i>). Motion set for 4/2/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/02/2012)
03/05/2012	155	MOTION to Seal <i>Defendants' Opposition to Plaintiffs' Motion for Spoliation Sanctions</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of their Motion to Seal Materials Pursuant to Local Rule 5.3(c)(2), # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 03/05/2012)
03/05/2012	 156	MEMORANDUM in Opposition filed by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. re 145 MOTION for Sanctions (<i>Spoliation Sanctions in the Form of Exclusion of Zydus' Evidence of Particle Size Testing On Pre-Tableted Granules</i>) MOTION for Sanctions (<i>Spoliation Sanctions in the Form of Exclusion of Zydus' Evidence of Particle Size Testing On Pre-Tableted Granules</i>) (Attachments: # 1 Declaration of Vincent P. Rao In Support of Zydus' Memorandum In Opposition to Plaintiffs' 2/21/12 Motion for Spoliation Sanctions, # 2 Declaration of Dr. Harry G. Brittain In Support of Zydus' Memorandum In Opposition to Plaintiffs' 2/21/12 Motion for Spoliation Sanctions, # 3 Declaration of Dr. Brij Khara In Support of Zydus' Memorandum In Opposition to Plaintiffs' 2/21/12 Motion for Spoliation Sanctions)(RAO, VINCENT) (Entered: 03/05/2012)
03/06/2012		Set Deadlines as to 155 MOTION to Seal <i>Defendants' Opposition to Plaintiffs' Motion for Spoliation Sanctions</i> . Motion set for 4/2/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/06/2012)
03/06/2012	157	ORDER that Zydus and Takeda shall confer and file publicly available redacted documents as identified in the Order entered on 2/14/2012 [Docket Entry No. 144] by 4/4/2012. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/6/2012. (gxh) (Entered: 03/06/2012)
03/12/2012	158	ORDER granting 150 Motion to Seal Document 148 Brief in Opposition to Motion; that Takeda shall, within 20 days of the date of entry of this Order, file a redacted version of the material which is the subject of this motion on the docket, if possible, which shall be publicly available. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/12/2012. (gxh) (Entered: 03/12/2012)
03/12/2012	159	ORDER granting 147 Motion to Seal Document 146 Brief in Support of Motion; that Takeda shall, within 20 days of the date of entry of this Order, file redacted versions of the material in question, if possible, which shall be publicly available. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/12/2012. (gxh) (Entered: 03/12/2012)
03/12/2012	 160	BRIEF REPLY BRIEF IN SUPPORT OF TAKEDA'S MOTION FOR SPOILIATION SANCTIONS IN THE FORM OF EXCLUSION OF ZYDUS' EVIDENCE OF PARTICLE SIZE TESTING ON PRE-TABLETED GRANULES (Attachments: # 1 Exhibit 2 to the Declaration of Arlene L. Chow, # 2 Exhibit 3 to the Declaration of Arlene L. Chow, # 3 Exhibit 4 to the Declaration of


		Arlene L. Chow, # 4 Exhibit 5 to the Declaration of Arlene L. Chow, # 5 Exhibit 6 to the Declaration of Arlene L. Chow, # 6 Exhibit 7 to the Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 03/12/2012)
03/12/2012	161	DECLARATION of Arlene L. Chow re 160 Brief., by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Exhibit 1 to the Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 03/12/2012)
03/12/2012	162	MOTION to Seal Document 160 Brief., by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration of Elina Slavin, # 3 Text of Proposed Order)(FLAHERTY, JOHN) (Entered: 03/12/2012)
03/13/2012		Set Deadlines as to 162 MOTION to Seal Document 160 Brief. Motion set for 4/16/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/13/2012)
03/14/2012	163	Letter from Vincent P. Rao II, Esq. (RAO, VINCENT) (Entered: 03/14/2012)
03/15/2012	 164	LETTER ORDER granting Deft's request for leave to file the attached 3 page sur-reply re Takeda's Motion for Spoliation Sanctions. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/15/2012. (Attachments: # 1 SEALED Exhibit A - Sur-Reply)(gxh) (Entered: 03/15/2012)
03/15/2012	165	MOTION to Seal Document <i>No. 164-1 Sur-Reply In Further Opposition to Plaintiffs' Motion for Spoliation Sanctions</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Their Motion to Seal Materials Pursuant to Local Rule 5.3(c)(2), # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 03/15/2012)
03/15/2012		Set Deadlines as to 165 MOTION to Seal Document <i>No. 164-1 Sur-Reply In Further Opposition to Plaintiffs' Motion for Spoliation Sanctions</i> . Motion set for 4/16/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/15/2012)
03/20/2012		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 3/20/2012. (mm) (Entered: 03/20/2012)
03/20/2012	166	ORDER granting 153 Defendants Motion to Seal. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/20/2012. (eaj) (Entered: 03/20/2012)
03/20/2012	167	ORDER granting 155 Defendants Motion to Seal. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/20/2012. (eaj) (Entered: 03/20/2012)
03/23/2012	168	NOTICE OF BENCH TRIAL - Bench Trial set for 7/23/2012 09:30 AM in Trenton - Courtroom 1 before Judge Joel A. Pisano. Exhibit List due by 7/23/2012., Expert Witness List due by 7/23/2012., Pretrial motions due by 6/1/2012. Motions returnable Tuesday, June 26 @ 10:00 a.m.(dm). (Entered: 03/23/2012)

		03/23/2012)
03/29/2012	169	LETTER ORDER extending the deadline for Zydus to file redacted documents up to and including 4/27/2012. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/28/2012. (eaj) (Entered: 03/29/2012)
04/02/2012	170	LETTER ORDER granting the parties an extension up to and including 5/2/2012 to properly identify all confidential information contained in the documents at issue and to redact said documents for filing purposes. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/2/2012. (gxh) (Entered: 04/02/2012)
04/03/2012	171	Letter from John E. Flaherty Enclosing Redacted Stipulation and Order. (Attachments: # 1 Redacted Stipulation and Order)(FLAHERTY, JOHN) (Entered: 04/03/2012)
04/04/2012	172	REDACTION to 144 Order on Motion to Seal (<i>Exhibit 1 to Doc. No. 129 and 138-1</i>) by CADILA HEALTHCARE LIMITED, TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (RAO, VINCENT) (Entered: 04/04/2012)
04/04/2012	 173	SEALED STIPULATION AND ORDER. Signed by Judge Joel A. Pisano on 4/4/2012. (gxh) (Entered: 04/05/2012)
04/04/2012	174	STIPULATION AND ORDER postponing the Bench Trial to 8/13/2012 before Judge Joel A. Pisano; that trial shall take no more than 5 days; that this action shall not be consolidated for trial with <i>Takeda Pharmaceutical Co. Ltd., et al. v. Mylan Pharmaceuticals Inc.,</i> Civil Action No. 11-2506 (JAP). Signed by Judge Joel A. Pisano on 4/4/2012. (gxh) (Entered: 04/05/2012)
04/09/2012	175	LETTER ORDER granting the parties an extension up to and including 5/9/2012 to properly identify all confidential information contained in the documents at issue and to redact said documents for filing purposes. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/9/2012. (gxh) (Entered: 04/09/2012)
04/16/2012	176	ORDER granting 165 Motion to Seal Document 164 -1 Defts' Sur-Reply in further support of Defts' opposition to Pltfs' Motion for Spoliation Sanctions. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/16/2012. (gxh) (Entered: 04/16/2012)
04/16/2012	177	ORDER granting 162 Motion to Seal Document 160 Brief. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/16/2012. (gxh) (Entered: 04/16/2012)
04/27/2012	178	REDACTION to 151 Order on Motion to Seal Document, <i>Docket No. 135</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 04/27/2012)
04/27/2012	179	REDACTION to 152 Order on Motion to Seal, <i>Docket No. 139</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 04/27/2012)




05/02/2012	180	REDACTION to 146 Brief in Support of Motion,,, by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (FLAHERTY, JOHN) (Entered: 05/02/2012)
05/02/2012	181	REDACTION to 148 Brief in Opposition to Motion,, by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (FLAHERTY, JOHN) (Entered: 05/02/2012)
05/07/2012	182	REDACTION to 160 Brief,, by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (FLAHERTY, JOHN) (Entered: 05/07/2012)
05/09/2012	183	LETTER ORDER setting a Telephone Conference, which Pltf shall initiate, for 5/23/2012 at 1:30 PM before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/9/2012. (gxh) (Entered: 05/09/2012)
05/09/2012	184	REDACTION to 166 Order on Motion to Seal Document <i>Re: Docket No. 153</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 05/09/2012)
05/09/2012	185	REDACTION to 167 Order on Motion to Seal <i>Re: Docket No. 155</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 05/09/2012)
05/10/2012	 186	MEMORANDUM OPINION FILED UNDER TEMPORARY SEAL. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/10/2012. (gxh) (Entered: 05/10/2012)
05/10/2012	187	ORDER denying 145 Takeda's Motion for Spoliation Sanctions. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/10/2012. (gxh) (Entered: 05/10/2012)
05/18/2012	188	(AMENDED) NOTICE of Hearing: Bench Trial has been RESET for 8/13/2012 at 9:30 AM in Trenton - Courtroom 1 before Judge Joel A. Pisano. Pre-trial motions due: 7/2/2012; Opposition due: 7/12/2012; Motion hearing set for 7/25/2012 at 10:00 a.m.(DS) (Entered: 05/18/2012)
05/18/2012		CLERK'S NOTE: MANDATORY tutorial regarding COURTROOM TECHNOLOGY has been set for Friday, August 10, 2012 at 2:00 p.m. in Courtroom #1. IT Technicians or Paralegals are required to be present. Also, please schedule delivery of all trial exhibits boxes for the same date and time; no other date or time will be scheduled. Kindly mark your calendars accordingly. (DS) (Entered: 05/18/2012)
06/08/2012	189	MOTION to Seal <i>On Consent May 10, 12 Memorandum Opinion and To File Redacted Copy on the Public Docket</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Exhibit A, # 2 Brief, # 3 Text of Proposed Order)(RAO, VINCENT) (Entered: 06/08/2012)


06/08/2012		Set Deadlines as to 189 MOTION to Seal <i>On Consent May 10, 12 Memorandum Opinion and To File Redacted Copy on the Public Docket</i> . Motion set for 7/2/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 06/08/2012)
06/11/2012	190	ORDER granting 189 Motion to Seal 186 MEMORANDUM OPINION; that Zydus shall file a redacted version of the Court's 5/10/2012 Memorandum Opinion on the public docket within 7 days of the entry of this Order. Signed by Magistrate Judge Tonianne J. Bongiovanni on 6/11/2012. (gxh) (Entered: 06/11/2012)
06/11/2012	 191	MEMORANDUM OPINION FILED UNDER TEMPORARY SEAL. Signed by Magistrate Judge Tonianne J. Bongiovanni on 6/11/2012. (Attachments: # 1 Attachment)(gxh) (Entered: 06/11/2012)
06/11/2012	192	ORDER granting in part and denying in part 141 Zydus' Motion to Amend its amended non-infringement contentions; that, no later than 6/21/2012, Zydus shall serve its Second Amended Non-Infringement Contentions on Takeda; that Takeda shall file its response to Zydus' Second Amended Non-Infringement Contentions no later than 10 days after having been served with same; that, given the possibility that the Court's accompanying Memorandum Opinion discloses the parties' confidential information, the Clerk shall file same under a temporary seal; that the parties shall have until 6/28/2012 to file a formal motion to seal the Court's Memorandum Opinion (Docket Entry No. 191). Signed by Magistrate Judge Tonianne J. Bongiovanni on 6/11/2012. (gxh) (Entered: 06/11/2012)
06/15/2012	193	REDACTION to 190 Order on Motion to Seal, by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 06/15/2012)
06/19/2012	194	MOTION to Seal <i>Memorandum of Law In Support of Motion for Reconsideration of Order Denying-In-Part Leave to Amend Preliminary Invalidity and Non-Infringement Contentions</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Their Motion to Seal, # 2 Text of Proposed Order Granting Motion to Seal, # 3 Notice of Motion for Reconsideration of Order Denying-In-Part Leave to Amend Preliminary Invalidity and Non-Infringement Contentions, # 4 Declaration of Vincent P. Rao II w/Exhibits A and E In Support of Their Motion for Reconsideration, # 5 Text of Proposed Order Granting Motion for Reconsideration)(RAO, VINCENT) (Entered: 06/19/2012)
06/19/2012	 195	Exhibit to 196 Motion for Reconsideration, by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Defendants' Motion for Reconsideration of Order Denying-In-Part Leave to Amend Preliminary Invalidity and Non-Infringement Contentions)(RAO, VINCENT) Modified on 6/21/2012 (gxh). (Entered: 06/19/2012)
06/20/2012		CLERK'S QUALITY CONTROL MESSAGE - This message is in reference to Docket Entry No. 194 filed by Vincent Rao, Esq. on 6/19/2012. It appears counsel filed a Motion for Reconsideration as an attachment to the Motion to



		Seal. Should counsel be intending to file a Motion for Reconsideration, which appears to be the case in this instance, counsel is directed to file same using the applicable motion event under Motions and Related Filings -> Motions. This message is for informational purposes only. (gxh) (Entered: 06/20/2012)
06/20/2012		Set Deadlines as to 194 MOTION to Seal <i>Memorandum of Law In Support of Motion for Reconsideration of Order Denying-In-Part Leave to Amend Preliminary Invalidity and Non-Infringement Contentions</i> . Motion set for 7/16/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 06/20/2012)
06/20/2012		CLERK'S QUALITY CONTROL MESSAGE - The Brief in Support of Motion attached to the Exhibit (to Document) 195 filed by V. Rao, Esq. on 6/19/2012 was submitted incorrectly as an attachment. PLEASE RESUBMIT the Brief in Support of Motion USING the event BRIEF IN SUPPORT OF MOTION found under Motions and Related Filings -> Responses and Replies. Counsel is advised that the Motion for Reconsideration must be filed FIRST as the Brief in Support of Motion must be linked to the Motion. This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 06/20/2012)
06/20/2012	196	MOTION for Reconsideration of <i>Order Denying In Part Leave to Amend Preliminary Invalidity and Non-Infringement Contentions</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Declaration of Vincent P. Rao II, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 06/20/2012)
06/20/2012		Set Deadlines as to 196 MOTION for Reconsideration of <i>Order Denying In Part Leave to Amend Preliminary Invalidity and Non-Infringement Contentions</i> . Motion set for 7/16/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 06/20/2012)
06/21/2012		CLERK'S NOTE - The Clerk has modified the docket to indicate that the sealed documents located under Docket Entry No. 195 are, in fact, supporting documents to the Motion for Reconsideration (originally attached to the Motion to Seal in d.e. 194) which has been re-filed under Docket Entry No. 196 . (gxh) (Entered: 06/21/2012)
06/21/2012	197	Letter from Vincent P. Rao, II. (RAO, VINCENT) (Entered: 06/21/2012)
06/21/2012	198	Letter from Vincent P. Rao, II. (RAO, VINCENT) (Entered: 06/21/2012)
06/25/2012	199	LETTER ORDER staying the 6/21/2012 deadline for Zydus to serve its Second Amended Non-Infringement Contentions on Takeda until the Court has issued a decision on the pending Motion for Reconsideration. Signed by Magistrate Judge Tonianne J. Bongiovanni on 6/25/2012. (gxh) (Entered: 06/25/2012)
06/26/2012	200	ORDER that the 8/13/2012 trial date and all current pre-trial deadlines are adjourned pending further order of the Court. Signed by Judge Joel A. Pisano on 6/26/2012. (gxh) (Entered: 06/27/2012)
06/28/2012	201	LETTER ORDER granting counsel's request for a 8-day extension, to and including 7/6/2012, of the deadline for the parties to file motions to seal the





		Court's 6/11/2012 Order and Opinion granting in part and denying in part Zydus' Motion to Amend its Amended Non-Infringement Contentions. Signed by Magistrate Judge Tonianne J. Bongiovanni on 6/28/2012. (gxh) (Entered: 06/29/2012)
06/29/2012		ATTENTION COUNSEL: Telephone Conference has been set for Monday, 7/2/2012 at 11:00 a.m. before Judge Joel A. Pisano re new trial date. Please confirm receipt of court notice by letter (e-file) not later than 6/30/2012. (DS) (Entered: 06/29/2012)
06/29/2012	202	Letter from Vincent P. Rao, II re Set/Reset Hearings. (RAO, VINCENT) (Entered: 06/29/2012)
06/29/2012	203	Letter from John E. Flaherty Confirming Receipt of Notice Scheduling Telephone Conference. (FLAHERTY, JOHN) (Entered: 06/29/2012)
07/02/2012	204	Minute Entry for proceedings held before Judge Joel A. Pisano: Telephone Conference held on 7/2/2012. Ordered bench trial RESET for 11/5/2012 at 9:30 a.m. (Court Reporter: None.) (DS) (Entered: 07/02/2012)
07/02/2012	205	BRIEF in Opposition filed by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. re 196 MOTION for Reconsideration of <i>Order Denying In Part Leave to Amend Preliminary Invalidity and Non-Infringement Contentions</i> (FLAHERTY, JOHN) (Entered: 07/02/2012)
07/05/2012	206	MOTION to Seal <i>Memorandum of Law In Support of Motion For Leave To File A Reply In Further Support of Motion for Reconsideration and Accompanying Reply In Further Support of Motion for Reconsideration</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Motion for Leave to File a Reply In Further Support of Motion for Reconsideration and Accompanying Reply In Further Support of Motion for Reconsideration, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 07/05/2012)
07/05/2012	207	MOTION for Leave to File by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Text of Proposed Order Granting Defendants' Motion For Leave To File a Reply In Further Support of Their Motion for Reconsideration)(RAO, VINCENT) (Entered: 07/05/2012)
07/05/2012	 208	Exhibit to 207 Motion for Leave to File, by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 07/05/2012)
07/06/2012		Set Deadlines as to 206 MOTION to Seal <i>Memorandum of Law In Support of Motion For Leave To File A Reply In Further Support of Motion for Reconsideration and Accompanying Reply In Further Support of Motion for Reconsideration</i> . Motion set for 8/6/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 07/06/2012)







07/06/2012		Set Deadlines as to 207 MOTION for Leave to File . Motion set for 8/6/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 07/06/2012)
07/06/2012	209	MOTION to Seal <i>On Consent to Seal June 11, 2012 Memorandum Opinion and To File Redacted Copy on the Public Docket</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Motion on Consent to Seal June 11, 2012 Memorandum Opinion and To File Redacted Copy on the Public Docket, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 07/06/2012)
07/06/2012		Set Deadlines as to 209 MOTION to Seal <i>On Consent to Seal June 11, 2012 Memorandum Opinion and To File Redacted Copy on the Public Docket</i> . Motion set for 8/6/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 07/06/2012)
07/13/2012	210	NOTICE by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. of <i>Withdrawal of Dillon Kim (Attorney Admitted Pro Hac Vice)</i> (FLAHERTY, JOHN) (Entered: 07/13/2012)
07/16/2012		CLERK'S QUALITY CONTROL MESSAGE - The Notice of Withdrawal 210 filed by John Flaherty, Esq. on 7/13/2012 was submitted incorrectly as a Notice (Other). PLEASE have Mr. Kim RESUBMIT the Notice of Withdrawal USING the event NOTICE TO WITHDRAW FROM NEF AS TO CASE found under Other Filings -> Notices. Mr. Kim does not appear as pro hac counsel in this case. He filed his own Notice of Appearance under Docket Entry No. 8 . This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 07/16/2012)
07/16/2012	211	Notice to be terminated and withdraw from Notices of Electronic filing as to case. Attorney DILLON KIM terminated. (FLAHERTY, JOHN) (Entered: 07/16/2012)
07/17/2012	212	ORDER granting 206 Motion to Seal 208 Defts' Memorandum of Law in Support of Motion for Leave to File a Reply in Further Support of Motion for Reconsideration, and accompanying reply in further support of Motion for Reconsideration. Signed by Magistrate Judge Tonianne J. Bongiovanni on 7/17/2012. (gxh) (Entered: 07/17/2012)
07/17/2012	213	ORDER granting 194 Motion to Seal 195 Memorandum of Law in Support of Motion for Reconsideration of Order Denying-in-Part Leave to Amend Preliminary Non-Infringement Contentions and Supporting Declaration with Exhibits. Signed by Magistrate Judge Tonianne J. Bongiovanni on 7/16/2012. (gxh) (Entered: 07/17/2012)
07/18/2012	214	ORDER granting 209 Motion to Seal the MEMORANDUM OPINION found at Docket Entry No. 191 . Signed by Magistrate Judge Tonianne J. Bongiovanni on 7/16/2012. (gxh) (Entered: 07/18/2012)




07/18/2012	215	ORDER granting 207 Defts' Motion for Leave to File a Reply in Further Support of their Motion for Reconsideration; that the proposed reply attached as Exhibit A to Defts' supporting memorandum is accepted as such. Signed by Magistrate Judge Tonianne J. Bongiovanni on 7/17/2012. (gxh) (Entered: 07/18/2012)
07/25/2012	216	REDACTION of <i>Memorandum Opinion</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 07/25/2012)
07/25/2012		CLERK'S QUALITY CONTROL MESSAGE - This message is in reference to the Redacted Memorandum Opinion 216 filed by Vincent Rao, Esq. on 7/25/2012. In the future, counsel is advised that when using the event Redacted Document, you should link to the docket entry to where the unredacted version of the document can be found. In this instance, counsel should have linked to Docket Entry No. 191 MEMORANDUM OPINION. This message is for informational purposes only. (gxh) (Entered: 07/25/2012)
08/09/2012	217	Letter from John E. Flaherty Enclosing Stipulation and Order. (Attachments: # 1 Stipulation and Order)(FLAHERTY, JOHN) (Entered: 08/09/2012)
08/10/2012	218	Letter from John E. Flaherty Proposing Pre-trial Schedule. (FLAHERTY, JOHN) (Entered: 08/10/2012)
08/14/2012	219	(REVISED) NOTICE of Hearing: Bench Trial set for 11/5/2012 at 9:30 AM in Trenton - Courtroom 1 before Judge Joel A. Pisano. Trial briefing schedule set as follows: Pre-trial motions due: 9/28/2012; Opposition papers due: 10/9/2012; Motion hearing set for 10/19/2012 at 9:30 a.m.(DS) (Entered: 08/14/2012)
08/14/2012	220	LETTER ORDER that service of rebuttal expert reports is due by 8/31/2012; that expert discovery shall be completed by 9/21/2012; setting a Telephone Conference, which Pltf shall initiate, for 9/26/2012 at 11:00 AM before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 8/13/2012. (gxh) (Entered: 08/14/2012)
08/14/2012	221	STIPULATION AND ORDER. Signed by Judge Joel A. Pisano on 8/14/2012. (gxh) (Entered: 08/14/2012)
08/14/2012	 222	SEALED STIPULATION AND ORDER. Signed by Judge Joel A. Pisano on 8/14/2012. (gxh) (Entered: 08/14/2012)
08/20/2012	 223	MEMORANDUM OPINION filed. Signed by Magistrate Judge Tonianne J. Bongiovanni on 8/20/2012. (eaj) (Entered: 08/20/2012)
08/20/2012	224	ORDER denying 196 Zydus' Motion for Reconsideration; Ordering that the parties have until 9/21/2012 to file a formal motion to seal the Courts Memorandum Opinion. Signed by Magistrate Judge Tonianne J. Bongiovanni on 8/20/2012. (eaj) (Entered: 08/20/2012)
09/10/2012	 225	Letter from John E. Flaherty to the Honorable Tonianne J. Bongiovanni seeking an order striking certain paragraphs of the rebuttal expert report of Dr. Harry Brittain. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(FLAHERTY, JOHN) (Entered: 09/10/2012)


09/11/2012	226	MOTION to Seal Document 225 Letter by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration of Carissa L. Rodrigue, # 3 Text of Proposed Order)(FLAHERTY, JOHN) (Entered: 09/11/2012)
09/12/2012		Set Deadlines as to 226 MOTION to Seal Document 225 Letter. Motion set for 10/15/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 09/12/2012)
09/13/2012	227	Letter from Vincent P. Rao II, Esq. (RAO, VINCENT) (Entered: 09/13/2012)
09/21/2012	228	MOTION to Seal <i>On Consent the August 20, 2012 Memorandum Opinon and to File Redacted Copy on the Public Docket</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Motion On Consent To Seal August 20, 2012 Memorandum Opinon and to File Redacted Copy on the Public Docket, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 09/21/2012)
09/21/2012		Set Deadlines as to 228 MOTION to Seal <i>On Consent the August 20, 2012 Memorandum Opinon and to File Redacted Copy on the Public Docket</i> . Motion set for 10/15/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 09/21/2012)
09/26/2012		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 9/26/2012. (mm) (Entered: 09/26/2012)
09/27/2012	229	ORDER granting 228 Motion to Seal the 223 MEMORANDUM OPINION; that Zydus shall file a redacted version of the Memorandum Opinion on the public docket within seven days of the entry of this Order. Signed by Magistrate Judge Tonianne J. Bongiovanni on 9/27/2012. (gxh) (Entered: 09/27/2012)
09/27/2012	230	ORDER granting 226 Motion to Seal Document 225 Letter. Signed by Magistrate Judge Tonianne J. Bongiovanni on 9/27/2012. (gxh) (Entered: 09/27/2012)
09/28/2012	231	MOTION in Limine <i>to Preclude Evidence of Zydus' New Particle Size Testing of Newly-Manufactured Granules</i> by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Text of Proposed Order, # 2 Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 09/28/2012)
09/28/2012	 232	BRIEF in Support filed by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. re 231 MOTION in Limine <i>to Preclude Evidence of Zydus' New Particle Size Testing of Newly-Manufactured Granules</i> (Attachments: # 1 Exhibits 1 - 7 to the Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 09/28/2012)




09/28/2012	233	MOTION in Limine to Preclude Expert Testimony on Invalidity Portions of the Rebuttal Expert Report by Dr. Harry Brittain by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Text of Proposed Order, # 2 Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 09/28/2012)
09/28/2012	 234	BRIEF in Support filed by TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. re 233 MOTION in Limine to Preclude Expert Testimony on Invalidity Portions of the Rebuttal Expert Report by Dr. Harry Brittain (Attachments: # 1 Exhibit A to the Declaration of Arlene L. Chow, # 2 Exhibit B to the Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 09/28/2012)
09/28/2012	235	MOTION to Seal Defendnats' Memorandum in Support of Their Motion In Limine to Preclude Evidence by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In support of their Motion to seal Defendants' Memorandum in support of their Motion In Limine to Preclude Evidence, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 09/28/2012)
09/28/2012	236	MOTION in Limine to Preclude Evidence by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Defendants' Motion In Limine to Preclude Evidence, # 2 Declaration of Vincent P. Rao, II, # 3 Text of Proposed Order)(RAO, VINCENT) (Entered: 09/28/2012)
09/28/2012	 237	Exhibit to 236 Motion in Limine, by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief Filed Under Seal, # 2 Text of Proposed Order Filed Under Seal)(RAO, VINCENT) (Entered: 09/28/2012)
10/01/2012		Set Deadlines as to 235 MOTION to Seal Defendnats' Memorandum in Support of Their Motion In Limine to Preclude Evidence. Motion set for 11/5/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/01/2012)
10/01/2012		Set Deadlines as to 233 MOTION in Limine to Preclude Expert Testimony on Invalidity Portions of the Rebuttal Expert Report by Dr. Harry Brittain, 236 MOTION in Limine to Preclude Evidence, 231 MOTION in Limine to Preclude Evidence of Zydus' New Particle Size Testing of Newly-Manufactured Granules. Motion set for 10/19/2012 09:30 AM in Trenton - Courtroom 1 before Judge Joel A. Pisano. (gxh) (Entered: 10/01/2012)
10/02/2012	238	MOTION to Seal Document 232 Brief in Support of Motion, 234 Brief in Support of Motion, by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration of Elina





		Slavin, Esq., # 3 Text of Proposed Order)(FLAHERTY, JOHN) (Entered: 10/02/2012)
10/02/2012		Set Deadlines as to 238 MOTION to Seal Document 232 Brief in Support of Motion, 234 Brief in Support of Motion. Motion set for 11/5/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/02/2012)
10/05/2012	239	Minute Entry for proceedings held before Judge Joel A. Pisano: Telephone Conference held on 10/5/2012. Plaintiffs application to adjourn trial - DECISION RESERVED. Ordered parties to submit letters explaining their positions not later than 10/12/2012. Ordered pre-trial motion hearing set for 10/19/2012 to be POSTPONED. Reset Motion Hearing re 233 MOTION in Limine to Preclude Expert Testimony on Invalidity Portions of the Rebuttal Expert Report by Dr. Harry Brittain, 236 MOTION in Limine to Preclude Evidence, & 231 MOTION in Limine to Preclude Evidence of Zydus' New Particle Size Testing of Newly-Manufactured Granules for 10/22/2012 at 10:00 AM in Trenton - Courtroom 1 before Judge Joel A. Pisano. (Court Reporter: None) (DS) (Entered: 10/05/2012)
10/09/2012	 240	Letter from John E. Flaherty to the Hon. Joel A. Pisano, U.S.D.J (cc: Hon. Tonianne J. Bongiovanni, U.S.M.J). (FLAHERTY, JOHN) (Entered: 10/09/2012)
10/10/2012	241	Letter from Vincent P. Rao II, Esq. (RAO, VINCENT) (Entered: 10/10/2012)
10/12/2012	242	MOTION to Seal <i>Defendants' Objection to Plaintiffs' Motion In Limine to Preclude Expert Testimony</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Their Motion to Seal Defendants' Objection to Plaintiffs' Motion In Limine to Preclude Expert Testimony, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	 243	DECLARATION of of Vincent P. Rao II In Support of Defendants' Objection to Plaintiffs' Motion In Limine to Preclude Expert Testimony by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	 244	BRIEF / <i>Objection to Plaintiffs' Motion In Limine to Preclude Expert Testimony on Invalidity Portions of The Rebuttal Expert Report of Dr. Harry Brittain</i> (RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	 245	Exhibit to 243 Declaration by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	246	ORDER granting Motion to Seal Defendants objection to Plaintiffs' Motion in Limine to Preclude expert testimony; further Ordering that pursuant to Rule 5.3 the above will be temporarily sealed, the parties have until 10/26/2012 to file a formal Motion to Seal. Signed by Magistrate Judge Tonianne J. Bongiovanni on 10/12/2012. (ej) (Entered: 10/12/2012)
10/12/2012	247	MOTION to Seal <i>In Support of Their Motion to Seal Zydus' Letter Brief</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA)




		INC.. (Attachments: # 1 Brief In Support of Their Motion to Seal Zydus' Letter Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	 248	Letter from Vincent P. Rao, II, Esq. (RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	 249	DECLARATION of Steven J. Moore by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	 250	DECLARATION of James C. Morrison by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	251	MOTION to Seal <i>Defendants' Response In Opposition to Plaintiffs' Motion in Limine to Preclude Evidence</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Their Motion to Seal Defendants' Response In Opposition to Plaintiffs' Motion in Limine to Preclude Evidence, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	252	DECLARATION of Vincent P. Rao II, Esq by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	 253	Exhibit to 252 Declaration by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	 254	RESPONSE re 231 MOTION in Limine to Preclude Evidence of Zydus' New Particle Size Testing of Newly-Manufactured Granules, 232 Brief in Support of Motion,. (RAO, VINCENT) (Entered: 10/12/2012)
10/12/2012	 255	Letter from John E. Flaherty to the Hon. Joel A. Pisano, U.S.D.J. (cc: Hon. Tonianne J. Bongiovanni, U.S.M.J.). (Attachments: # 1 Exhibit A, # 2 Exhibit B)(FLAHERTY, JOHN) (Entered: 10/12/2012)
10/12/2012	256	Exhibit to 255 Letter by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Exhibit C, # 2 Exhibit D)(FLAHERTY, JOHN) (Entered: 10/12/2012)
10/15/2012		Set Deadlines as to 242 MOTION to Seal <i>Defendants' Objection to Plaintiffs' Motion In Limine to Preclude Expert Testimony</i> . Motion set for 11/5/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/15/2012)
10/15/2012		Set Deadlines as to 247 MOTION to Seal <i>In Support of Their Motion to Seal Zydus' Letter Brief</i> . Motion set for 11/5/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/15/2012)
10/15/2012		Set Deadlines as to 251 MOTION to Seal <i>Defendants' Response In Opposition to Plaintiffs' Motion in Limine to Preclude Evidence</i> . Motion set for 11/5/2012

		before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/15/2012)
10/16/2012	257	Letter from Vincent P. Rao II, Esq. (Attachments: # 1 Text of Proposed Order)(RAO, VINCENT) (Entered: 10/16/2012)
10/17/2012	258	MOTION to Seal Document 255 Letter, 240 Letter by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration, # 3 Text of Proposed Order) (FLAHERTY, JOHN) (Entered: 10/17/2012)
10/18/2012		Set Deadlines as to 258 MOTION to Seal Document 255 Letter, 240 Letter . Motion set for 11/19/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/18/2012)
10/18/2012	 259	Letter from John E. Flaherty to the Hon. Joel A. Pisano, U.S.D.J. (cc: Hon. Tonianne J. Bongiovanni, U.S.M.J.). (Attachments: # 1 Exhibit 1)(FLAHERTY, JOHN) (Entered: 10/18/2012)
10/19/2012	 260	Letter from Vincent P. Rao, Esq.. (RAO, VINCENT) (Entered: 10/19/2012)
10/19/2012	261	MOTION to Seal <i>Reply letter of Vincent P. Rao, Esq., Dkt. 260</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 10/19/2012)
10/19/2012		Set Deadlines as to 261 MOTION to Seal <i>Reply letter of Vincent P. Rao, Esq., Dkt. 260</i> . Motion set for 11/19/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/19/2012)
10/19/2012	262	MOTION to Seal Document 259 Letter and Exhibit 1 by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration, # 3 Text of Proposed Order) (FLAHERTY, JOHN) (Entered: 10/19/2012)
10/19/2012		Set Deadlines as to 262 MOTION to Seal Document 259 Letter and Exhibit 1. Motion set for 11/19/2012 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 10/19/2012)
10/22/2012	263	ORDER granting counsel's request to limit access to the courtroom during the hearing scheduled for 10/22/2012. Signed by Judge Joel A. Pisano on 10/19/2012. (gxh) (Entered: 10/22/2012)
10/22/2012	 264	Minute Entry for proceedings held before Judge Joel A. Pisano: Ordered proceedings sealed. Motion Hearing held on 10/22/2012 re 236 MOTION in Limine to Preclude Evidence filed by ZYDUS PHARMACEUTICALS (USA) INC., CADILA HEALTHCARE LIMITED - Denied Without Prejudice; 231




		MOTION in Limine to Preclude Evidence of Zydus' New Particle Size Testing of Newly-Manufactured Granules filed by TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICAL COMPANY LIMITED - Denied Without Prejudice; 233 MOTION in Limine to Preclude Expert Testimony on Invalidity Portions of the Rebuttal Expert Report by Dr. Harry Brittain filed by TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICAL COMPANY LIMITED - Denied. Ordered discovery extended until 4 months from today's date. Ordered parties to serve their expert reports not later than 1/15/2013. Ordered trial date to be determined. (Court Reporter: Recorder J. Caruso.) (DS) (Entered: 10/22/2012)
10/23/2012	 265	SEALED ORDER that the trial presently scheduled for 11/5/2012 is adjourned pending further order of the Court; denying 231 Pltf's Motion in Limine, without prejudice; denying 233 Pltf's Motion in Limine; denying 236 Defts' Motion in Limine, without prejudice. Signed by Judge Joel A. Pisano on 10/23/2012. (gxh) (Entered: 10/23/2012)
10/24/2012	266	ORDER granting 238 Motion to Seal Documents 232 Brief in Support of Motion, and 234 Brief in Support of Motion. Signed by Magistrate Judge Tonianne J. Bongiovanni on 10/24/2012. (gxh) (Entered: 10/24/2012)
10/24/2012	267	ORDER granting 251 Motion to Seal Defts' Response in Opposition to Pltfs' Motion <i>in limine</i> to Preclude Evidence. Signed by Magistrate Judge Tonianne J. Bongiovanni on 10/24/2012. (gxh) (Entered: 10/24/2012)
10/24/2012	268	ORDER granting 247 Motion to Seal Zydus' Letter Brief. Signed by Magistrate Judge Tonianne J. Bongiovanni on 10/24/2012. (gxh) (Entered: 10/24/2012)
10/24/2012	269	ORDER granting 242 Motion to Seal Defts' Objection to Pltfs' Motion <i>in limine</i> to Preclude Expert Testimony. Signed by Magistrate Judge Tonianne J. Bongiovanni on 10/24/2012. (gxh) (Entered: 10/24/2012)
10/24/2012	270	ORDER granting 235 Motion to Seal Defts' Memorandum in Support of Motion <i>in limine</i> to Preclude Evidence. Signed by Magistrate Judge Tonianne J. Bongiovanni on 10/24/2012. (gxh) (Entered: 10/24/2012)
11/08/2012	271	ORDER granting 261 Motion to Seal Zydus' Reply Letter and Supplemental Declaration of James Morrison. Signed by Magistrate Judge Tonianne J. Bongiovanni on 11/8/2012. (ej) (Entered: 11/08/2012)
11/08/2012	272	ORDER granting 262 Motion to Seal Document. Signed by Magistrate Judge Tonianne J. Bongiovanni on 11/8/2012. (ej) (Entered: 11/08/2012)
11/08/2012	273	ORDER granting 258 Motion to Seal Document. Signed by Magistrate Judge Tonianne J. Bongiovanni on 11/8/2012. (ej) (Entered: 11/08/2012)
11/13/2012	274	LETTER ORDER setting a Status Telephone Conference, which Pltfs shall initiate, for 1/17/2013 at 11:00 AM before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 11/13/2012. (gxh) (Entered: 11/13/2012)



11/19/2012	275	NOTICE OF APPEAL to Federal Circuit by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. Filing fee \$ 455, receipt number 0312-4679045. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (RAO, VINCENT) (Entered: 11/19/2012)
11/26/2012		275 Notice of Appeal has been forwarded to the USCA for the Federal Circuit, Washington D.C. (mmh) (Entered: 11/26/2012)
11/30/2012	276	TRANSCRIPT REQUEST by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. for proceedings held on 10/23/12 before Judge Joel A. Pisano, USDJ.. (RAO, VINCENT) (Entered: 11/30/2012)
12/03/2012		(Court only) ***Court notes: The request found at d.e. 276 has been forwarded to Melissa Haneke as it refers to a Sealed Order. (gxh) (Entered: 12/03/2012)
12/03/2012	 277	USCA Case Number 13-1089 for 275 Notice of Appeal (Federal Circuit), filed by ZYDUS PHARMACEUTICALS (USA) INC., CADILA HEALTHCARE LIMITED. (Document Restricted - Court Only) (mmh) (Entered: 12/04/2012)
12/04/2012		(Court only) ***Court notes: 276 Transcript Purchase Order refers to the 10/22/2012 Sealed Hearing. Document has been forwarded to Joanne Caruso. (mmh) (Entered: 12/04/2012)
01/11/2013	278	Letter from John E. Flaherty to the Hon. Tonianne J. Bongiovanni, U.S.M.J. (FLAHERTY, JOHN) (Entered: 01/11/2013)
01/15/2013	279	LETTER ORDER extending the supplemental expert report deadline to 1/22/2013. Signed by Magistrate Judge Tonianne J. Bongiovanni on 1/14/2013. (eaj) (Entered: 01/15/2013)
01/15/2013	280	NOTICE of Appearance by PETER HWICHAN NOH on behalf of All Plaintiffs (NOH, PETER) (Entered: 01/15/2013)
01/17/2013		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 1/17/2013. (mm) (Entered: 01/17/2013)
01/24/2013		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 1/24/2013. (mm) (Entered: 01/25/2013)
01/28/2013	281	LETTER ORDER setting a Final Pretrial Conference for 3/8/2013 at 1:00 PM in Trenton - Courtroom 6E before Magistrate Judge Tonianne J. Bongiovanni; setting a Status Telephone Conference, which Pltf's counsel shall initiate, for 2/19/2013 at 11:00 AM before Magistrate Judge Tonianne J. Bongiovanni. Signed by Magistrate Judge Tonianne J. Bongiovanni on 1/28/2013. (gxh) (Entered: 01/28/2013)
02/01/2013		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 2/1/2013. (mm) (Entered: 02/06/2013)



02/05/2013		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 2/5/2013. (mm) (Entered: 02/06/2013)
02/06/2013	282	(REVISED) NOTICE of Hearing: Bench Trial set for 3/26/2013 at 09:30 AM in Trenton - Courtroom 1 before Judge Joel A. Pisano. (DS) (Entered: 02/06/2013)
02/06/2013	 283	Letter from Vincent P. Rao III. (Attachments: # 1 Text of Proposed Order, # 2 Text of Proposed Order)(RAO, VINCENT) Modified on 2/7/2013 per 287 ORDER (gxh). (Entered: 02/06/2013)
02/06/2013	284	MOTION to Seal Document 283 Letter and Consent Orders by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 02/06/2013)
02/07/2013		Set Deadlines as to 284 MOTION to Seal Document 283 Letter and Consent Orders. Motion set for 3/4/2013 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 02/07/2013)
02/07/2013	 285	SEALED CONSENT ORDER. Signed by Judge Joel A. Pisano on 2/6/2013. (gxh) (Entered: 02/07/2013)
02/07/2013	 286	SEALED CONSENT ORDER vacating a portion of the Court's 265 SEALED ORDER. Signed by Judge Joel A. Pisano on 2/6/2013. (gxh) (Entered: 02/07/2013)
02/07/2013	287	ORDER directing the Clerk to modify the docket text of both attachments in Docket Entry No. 283 to read "Text of Proposed Order". Signed by Magistrate Judge Tonianne J. Bongiovanni on 2/7/2013. (gxh) (Entered: 02/07/2013)
02/07/2013	311	ORDER of USCA as to 275 Notice of Appeal (Federal Circuit), filed by ZYDUS PHARMACEUTICALS (USA) INC., CADILA HEALTHCARE LIMITED; Dismissing Appeal. (mmh) (Entered: 03/07/2013)
02/07/2013	312	MANDATE of USCA as to 275 Notice of Appeal (Federal Circuit), filed by ZYDUS PHARMACEUTICALS (USA) INC., CADILA HEALTHCARE LIMITED (mmh) (Entered: 03/07/2013)
02/19/2013		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Telephone Conference held on 2/19/2013. (mm) (Entered: 02/19/2013)
02/28/2013	288	MOTION in Limine to Preclude Expert Testimony by James Morrison by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Declaration of Arlene L. Chow, # 2 Exhibit 5 to the Declaration of Arlene L. Chow, # 3 Text of Proposed Order) (FLAHERTY, JOHN) (Entered: 02/28/2013)
02/28/2013	 289	BRIEF in Support filed by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS



		LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. re 288 MOTION in Limine to Preclude Expert Testimony by James Morrison (Attachments: # 1 Exhibit 1 to the Declaration of Arlene L. Chow, # 2 Exhibit 2 to the Declaration of Arlene L. Chow, # 3 Exhibit 3 to the Declaration of Arlene L. Chow, # 4 Exhibit 4 to the Declaration of Arlene L. Chow, # 5 Exhibit 6 to the Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 02/28/2013)
02/28/2013	290	MOTION in Limine to Preclude All Testimony and Evidence Relating to New and Untimely Disclosed Prior Art References by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Declaration of Arlene L. Chow, # 2 Text of Proposed Order) (FLAHERTY, JOHN) (Entered: 02/28/2013)
02/28/2013	 291	BRIEF in Support filed by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. re 290 MOTION in Limine to Preclude All Testimony and Evidence Relating to New and Untimely Disclosed Prior Art References (Attachments: # 1 Exhibit 1 to the Declaration of Arlene L. Chow, # 2 Exhibit 2 to the Declaration of Arlene L. Chow, # 3 Exhibit 3 to the Declaration of Arlene L. Chow, # 4 Exhibit 4 to the Declaration of Arlene L. Chow, # 5 Exhibit 5 to the Declaration of Arlene L. Chow, # 6 Exhibit 6 to the Declaration of Arlene L. Chow)(FLAHERTY, JOHN) (Entered: 02/28/2013)
02/28/2013	292	DECLARATION of Vincent P. Rao in Support of Motion in limine to Preclude Evidence of Instrument Testing by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Exhibit A)(RAO, VINCENT) (Entered: 02/28/2013)
02/28/2013	293	DECLARATION of of Vincent P. Rao in Support of Defendants' Motion in limine to Preclude Evidence by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Exhibit H)(RAO, VINCENT) (Entered: 02/28/2013)
02/28/2013	 294	Exhibit to 293 Declaration by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Exhibit A-G of Rao Declaration in Support of Motion to Preclude Evidence, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 02/28/2013)
02/28/2013	 295	Exhibit to 292 Declaration by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Exhibit B-G of Rao Declaration in Support of Motion in limine to Preclude Evidence of Instrument Testing, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 02/28/2013)
02/28/2013	296	MOTION to Seal Document 294 Exhibit (to Document) Motion to Seal Defendants' Memorandum in Support of Motion in limine to Preclude Evidence by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 02/28/2013)



02/28/2013	297	MOTION to Seal Document 295 Exhibit (to Document), <i>Motion to Seal Defendants' Memorandum in Support of Motion in limine to Preclude Evidence of Instrument Testing</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 02/28/2013)
03/01/2013		Set Deadlines as to 296 MOTION to Seal Document 294 Exhibit (to Document) <i>Motion to Seal Defendants' Memorandum in Support of Motion in limine to Preclude Evidence</i> . Motion set for 4/1/2013 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/01/2013)
03/01/2013		Set Deadlines as to 297 MOTION to Seal Document 295 Exhibit (to Document), <i>Motion to Seal Defendants' Memorandum in Support of Motion in limine to Preclude Evidence of Instrument Testing</i> . Motion set for 4/1/2013 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/01/2013)
03/01/2013		CLERK'S QUALITY CONTROL MESSAGE - The Motions 294 and 295 filed by Vincent Rao, Esq. on 2/28/2013 were submitted incorrectly using the event Exhibit (to Document). PLEASE RESUBMIT the Notices of Motion USING the applicable motion event found under Motions and Related Filings -> Responses and Replies. Counsel can indicate in the docket text that supporting documents can be found in Docket Entry No. 294 or 295 , as applicable. This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 03/01/2013)
03/01/2013		Set Deadlines as to 290 MOTION in Limine to Preclude All Testimony and Evidence Relating to New and Untimely Disclosed Prior Art References, 288 MOTION in Limine to Preclude Expert Testimony by James Morrison. Motion set for 3/26/2013 9:30 AM in Trenton - Courtroom 1 before Judge Joel A. Pisano. (gxh) (Entered: 03/01/2013)
03/01/2013	298	MOTION in Limine to Preclude Evidence, relying on Rao Declaration 293 and Sealed Brief with Proposed Order 294 by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 03/01/2013)
03/01/2013	299	MOTION in Limine to Preclude Evidence of Instrument Testing, relying on Rao Declaration 292 and Sealed Brief with Proposed Order 295 by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 03/01/2013)
03/04/2013		Set Deadlines as to 299 MOTION in Limine to Preclude Evidence of Instrument Testing, relying on Rao Declaration 292 and Sealed Brief with Proposed Order 295 , 298 MOTION in Limine to Preclude Evidence, relying on Rao Declaration 293 and Sealed Brief with Proposed Order 294 . Motion set for 3/26/2013 at 9:30 AM before Judge Joel A. Pisano. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/04/2013)


03/06/2013	300	AFFIDAVIT in Opposition filed by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. re 288 MOTION in Limine to Preclude Expert Testimony by James Morrison (RAO, VINCENT) (Entered: 03/06/2013)
03/06/2013	 301	RESPONSE in Opposition filed by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. re 288 MOTION in Limine to Preclude Expert Testimony by James Morrison (Attachments: # 1 Exhibit A to Rao Declaration, # 2 Exhibit B to Rao Declaration, # 3 Exhibit C to Rao Declaration, # 4 Exhibit D to Rao Declaration)(RAO, VINCENT) (Entered: 03/06/2013)
03/06/2013	302	MOTION to Seal Document 301 Response in Opposition to Motion, by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 03/06/2013)
03/07/2013		Set Deadlines as to 302 MOTION to Seal Document 301 Response in Opposition to Motion, . Motion set for 4/1/2013 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/07/2013)
03/07/2013	 303	BRIEF in Opposition filed by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. re 299 MOTION in Limine to Preclude Evidence of Instrument Testing, relying on Rao Declaration 292 and Sealed Brief with Proposed Order 295 (Attachments: # 1 Exhibits 4-6, # 2 Exhibits 8-10, # 3 Exhibits 12-16)(FLAHERTY, JOHN) (Entered: 03/07/2013)
03/07/2013	304	DECLARATION of of Vincent P. Rao in Opposition to Plaintiffs' Motion in Limine re 290 MOTION in Limine to Preclude All Testimony and Evidence Relating to New and Untimely Disclosed Prior Art References by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Exhibit D)(RAO, VINCENT) (Entered: 03/07/2013)
03/07/2013	305	DECLARATION of Arlene Chow re 303 Brief in Opposition to Motion, by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Exhibits 1-3, # 2 Exhibit 7, # 3 Exhibit 11, # 4 Exhibit 17, # 5 Certificate of Service)(FLAHERTY, JOHN) (Entered: 03/07/2013)
03/07/2013	 306	RESPONSE in Opposition filed by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC. re 290 MOTION in Limine to Preclude All Testimony and Evidence Relating to New and Untimely Disclosed Prior Art References (Attachments: # 1 Exhibit A to Rao Declaration, # 2 Exhibit B to Rao Declaration, # 3 Exhibit C to Rao Declaration, # 4 Exhibit E to Rao Declaration, # 5 Exhibit F to Rao Declaration)(RAO, VINCENT) (Entered: 03/07/2013)

03/07/2013	307	AMENDED DOCUMENT by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. Amendment to 300 Affidavit in Opposition to Motion <i>in Limine to Preclude Expert Testimony by James Morrison</i> . (RAO, VINCENT) (Entered: 03/07/2013)
03/07/2013	 308	BRIEF in Opposition filed by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC. re 298 MOTION in Limine to Preclude Evidence, relying on Rao Declaration 293 and Sealed Brief with Proposed Order 294 (Attachments: # 1 Exhibits 1-5, # 2 Exhibit 6 (Part 1 of 2), # 3 Exhibit 6 (Part 2 of 2), # 4 Exhibits 7-9, # 5 Exhibits 13-17, # 6 Exhibits 19-21)(FLAHERTY, JOHN) (Entered: 03/07/2013)
03/07/2013	309	MOTION to Seal Document 306 Response in Opposition to Motion, by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 03/07/2013)
03/07/2013	310	DECLARATION of Arlene Chow re 308 Brief in Opposition to Motion,, by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Exhibits 10-12, # 2 Exhibit 18, # 3 Certificate of Service)(FLAHERTY, JOHN) (Entered: 03/07/2013)
03/07/2013		Pursuant to Local Rule 79.4, notice is hereby given of the Appellate ruling filed on 2/7/2013. In the event that the mandate or judgment provides for costs or directs a disposition other than an affirmance, the prevailing party shall prepare and submit an order implementing the mandate or judgment. (mmh) (Entered: 03/07/2013)
03/08/2013		Set Deadlines as to 309 MOTION to Seal Document 306 Response in Opposition to Motion. Motion set for 4/1/2013 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/08/2013)
03/08/2013	 313	Proposed Pretrial Order (<i>Joint</i>) by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (FLAHERTY, JOHN) (Entered: 03/08/2013)
03/08/2013	314	MOTION to Seal Document 291 Brief in Support of Motion,, 289 Brief in Support of Motion,, 308 Brief in Opposition to Motion,, 313 Proposed Pretrial Order, 303 Brief in Opposition to Motion, by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration, # 3 Text of Proposed Order) (FLAHERTY, JOHN) (Entered: 03/08/2013)

03/11/2013		Set Deadlines as to 314 MOTION to Seal Document 291 Brief in Support of Motion,, 289 Brief in Support of Motion,, 308 Brief in Opposition to Motion,, 313 Proposed Pretrial Order, 303 Brief in Opposition to Motion, . Motion set for 4/1/2013 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/11/2013)
03/11/2013		Minute Entry for proceedings held before Magistrate Judge Tonianne J. Bongiovanni: Final Pretrial Conference held on 3/11/2013. (mm) (Entered: 03/11/2013)
03/11/2013		CLERK'S QUALITY CONTROL MESSAGE - The Proposed Joint Final Pretrial Order 313 submitted by John Flaherty, Esq. on 3/8/2013 must be executed by a Judicial Officer before filing. Please forward to the appropriate Judicial Officer in accordance with his/her preferred practice as found on our website. This submission will remain on the docket unless otherwise ordered by the court. This message is for informational purposes only. (gxh) (Entered: 03/11/2013)
03/11/2013	 315	SEALED FINAL PRETRIAL ORDER. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/11/2013. (gxh) (Entered: 03/11/2013)
03/15/2013	316	MOTION to Seal <i>on Consent March 8, 2013 Final Pretrial Order and To File Redacted Copy on the Public Docket</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief In Support of Motion on Consent to Seal March 8, 2013 Final Pretrial Order and To File Redacted Copy on the Public Docket, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 03/15/2013)
03/15/2013		Set Deadlines as to 316 MOTION to Seal <i>on Consent March 8, 2013 Final Pretrial Order and To File Redacted Copy on the Public Docket</i> . Motion set for 4/15/2013 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 03/15/2013)
03/19/2013		CLERK'S NOTE: MANDATORY tutorial re COURTROOM TECHNOLOGY has been set for 3/26/2013 at 8:45 a.m. IT Technicians or Paralegals are required to be present. In addition, please schedule delivery of all trial/exhibits boxes for same date and time. Kindly mark your calendars accordingly. (DS) (Entered: 03/19/2013)
03/20/2013	317	OPINION filed. Signed by Judge Joel A. Pisano on 3/20/2013. (ej) (Entered: 03/20/2013)
03/20/2013	318	ORDER denying the Motions in Limine 288 , 290 , 298 and 299 . Signed by Judge Joel A. Pisano on 3/20/2013. (ej) (Entered: 03/20/2013)
03/20/2013	319	ORDER granting 284 Defendants Motion to Seal Document. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/19/2013. (ej) (Entered: 03/20/2013)
03/21/2013	 320	Letter from John E. Flaherty to the Hon. Joel A. Pisano, U.S.D.J., enclosing a Stipulation and Order. (Attachments: # 1 Stipulation and Order)(FLAHERTY, JOHN) (Entered: 03/21/2013)

03/22/2013	 321	Letter from John E. Flaherty to the Hon. Joel A. Pisano, U.S.D.J re 320 Letter. (FLAHERTY, JOHN) (Entered: 03/22/2013)
03/22/2013	322	ORDER granting 309 Motion to Seal Document 306 Response in Opposition to Motion; that Defts shall either submit a proposed redacted version of same or a letter explaining why redacting the Memorandum is not practical by 4/12/2013. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/21/2013. (gxh) (Entered: 03/22/2013)
03/22/2013	323	ORDER granting 302 Motion to Seal Document 301 Response in Opposition to Motion; that Defts shall either submit a proposed redacted version of same or a letter explaining why redacting the Memorandum is not practical by 4/12/2013. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/21/2013. (gxh) (Entered: 03/22/2013)
03/22/2013	324	ORDER granting 297 Motion to Seal Zydus' 2/28/2013 Motion to Preclude Evidence of Instrument Testing, the accompanying Exhibits B-G to the Declaration of Vincent P. Rao, and the proposed form of Order; that Defts shall either submit a proposed redacted version of same or a letter explaining why redacting the Motion is not practical by 4/12/2013. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/21/2013. (gxh) (Entered: 03/22/2013)
03/22/2013	325	ORDER granting 296 Motion to Seal Zydus' 2/28/2013 Motion to Preclude Evidence, the accompanying Exhibits A-G to the Declaration of Vincent P. Rao, and the proposed form of Order; that Defts shall either submit a proposed redacted version of same or a letter explaining why redacting the Motion is not practical by 4/12/2013. Signed by Magistrate Judge Tonianne J. Bongiovanni on 3/21/2013. (gxh) (Entered: 03/22/2013)
03/22/2013	326	TEXT ORDER: Proposed findings of fact/conclusions of law shall be due April 12, 2013. SO ORDERED by Judge Joel A. Pisano on March 22, 2013. (Biamonte, J) (Entered: 03/22/2013)
03/25/2013	 327	STIPULATION AND ORDER of partial dismissal with prejudice. Signed by Judge Joel A. Pisano on 3/25/2013. (gxh) (Entered: 03/25/2013)
03/26/2013	328	Minute Entry for proceedings held before Judge Joel A. Pisano: Trial without jury begun on 3/26/2013. Defendants application to seal entire record - Ordered denied in part. Ordered trial without jury continued to 3/27/2013 at 9:15 AM in Trenton - Courtroom 1 before Judge Joel A. Pisano. (Court Reporter: J. Caruso.) (DS) (Entered: 03/26/2013)
03/27/2013	329	Minute Entry for proceedings held before Judge Joel A. Pisano: Trial without jury held on 3/27/2013. Defendants application to seal certain portions of witness testimony - Ordered application Granted. Ordered trial without jury continued to 3/28/2013 at 9:15 AM in Trenton - Courtroom 1 before Judge Joel A. Pisano. (Court Reporter: J. Caruso.) (DS) (Entered: 03/27/2013)
03/28/2013	330	Minute Entry for proceedings held before Judge Joel A. Pisano: Trial without jury held on 3/28/2013. Ordered plaintiffs application to seal testimony of witness is Granted. Ordered trial without jury continued to 4/1/2013 at 1:00 PM in Trenton - Courtroom 1 before Judge Joel A. Pisano. (Court Reporter: J. Caruso.) (DS) (Entered: 03/28/2013)

04/01/2013	331	Minute Entry for proceedings held before Judge Joel A. Pisano: Trial without jury completed on 4/1/2013. Ordered defendants application to seal closing arguments Granted. Ordered findings of fact & conclusions of law due on 4/12/2013. (Court Reporter: J. Caruso.) (DS) (Entered: 04/01/2013)
04/04/2013	332	ORDER temporarily granting 314 Pltfs' Motion to Seal Document 291 Brief in Support of Motion, 289 Brief in Support of Motion, 308 Brief in Opposition to Motion, 313 Proposed Pretrial Order, and 303 Brief in Opposition to Motion. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/4/2013. (gxh) (Entered: 04/05/2013)
04/08/2013	333	ORDER granting 316 Motion to Seal the 3/8/2013 Final Pretrial Order; that Zydus shall file on the public docket within 7 days of entry of this Order a redacted version of the 3/8/2013 Final Pretrial Order. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/8/2013. (gxh) (Entered: 04/08/2013)
04/11/2013	334	Letter from Vincent P. Rao II, Esq. (RAO, VINCENT) (Entered: 04/11/2013)
04/12/2013	 335	Proposed Findings of Fact by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 04/12/2013)
04/12/2013	 336	Proposed Findings of Fact by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (FLAHERTY, JOHN) (Entered: 04/12/2013)
04/15/2013	337	MOTION to Seal <i>Defendants' Post Trial Proposed Findings of Fact and Conclusions of Law</i> by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (Attachments: # 1 Brief in Support of Their Motion to Seal Defendants' Post Trial Proposed Findings of Fact and Conclusions of Law, # 2 Text of Proposed Order)(RAO, VINCENT) (Entered: 04/15/2013)
04/15/2013	338	REDACTION to 315 Pretrial Order by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. (RAO, VINCENT) (Entered: 04/15/2013)
04/15/2013	339	LETTER ORDER granting counsel's request for an extension of time, up to and including 4/26/2013, to file redacted versions of the Motions and supporting papers. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/12/2013. (gxh) (Entered: 04/15/2013)
04/16/2013		Set Deadlines as to 337 MOTION to Seal <i>Defendants' Post Trial Proposed Findings of Fact and Conclusions of Law</i> . Motion set for 5/20/2013 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 04/16/2013)
04/17/2013	340	MOTION to Seal Document 336 Proposed Findings of Fact <i>and Conclusions of Law</i> by ETHYPHARM, S.A., TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.. (Attachments: # 1 Brief, # 2 Declaration, # 3 Text of

		Proposed Order)(FLAHERTY, JOHN) (Entered: 04/17/2013)
04/18/2013		Set Deadlines as to 340 MOTION to Seal Document 336 Proposed Findings of Fact and Conclusions of Law. Motion set for 5/20/2013 before Magistrate Judge Tonianne J. Bongiovanni. The motion will be decided on the papers. No appearances required unless notified by the court. (gxh) (Entered: 04/18/2013)
04/25/2013	341	Letter from John E. Flaherty to the Hon. Tonianne J. Bongiovanni, U.S.M.J., re 332 Order on Motion to Seal Document,. (Attachments: # 1 Text of Proposed Order, # 2 REDACTED - Plaintiffs' MIL to Preclude Expert Testimony, # 3 REDACTED - Plaintiffs' Opposition to Zydus' MIL, # 4 REDACTED - Plaintiffs' Opposition to Zydus' MIL To Preclude Instrument Testing, # 5 UNREDACTED - D.I. 291 Brief with Exhibits 1-6, # 6 UNREDACTED - D.I. 303 Exhibit 10)(FLAHERTY, JOHN) (Entered: 04/25/2013)
04/26/2013	342	Letter from Vincent P. Rao II. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Text of Proposed Order)(RAO, VINCENT) (Entered: 04/26/2013)
04/30/2013	343	ORDER granting 314 Motion to Seal. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/26/2013. (gxh) (Entered: 04/30/2013)
04/30/2013	344	ORDER granting Deft's request for leave to file certain material under seal; that Defts shall file on the public docket within 7 days of the entry of this Order a redacted version of the subject material. Signed by Magistrate Judge Tonianne J. Bongiovanni on 4/29/2013. (gxh) (Entered: 04/30/2013)
05/07/2013	 345	OPINION FILED UNDER TEMPORARY SEAL. Signed by Judge Joel A. Pisano on 5/7/2013. (gxh) (Entered: 05/07/2013)
05/07/2013	346	JUDGMENT in favor of Takeda against Zydus on Takeda's claim of infringement of claim 1 of the '994 patent; entering judgment in favor of Takeda on Defts' counterclaim seeking declarations of noninfringement and invalidity of the '994 patent; that the effective date of any Food and Drug Administration approval of Zydus' ANDA product shall be no earlier than the date of expiration for '994 patent and any pediatric exclusivity that applies to the '994 patent; enjoining Zydus from engaging in the commercial manufacture, use, offer for sale or sale within the United States, or importation into the United States, of Zydus's ANDA product until expiration of the '994 patent. Signed by Judge Joel A. Pisano on 5/7/2013. (gxh) (Entered: 05/07/2013)
05/07/2013		***Civil Case Terminated. (gxh) (Entered: 05/07/2013)
05/07/2013	347	ORDER TO SEAL. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/6/2013. (gxh) (Entered: 05/07/2013)
05/07/2013	348	ORDER granting 337 Motion to Seal Defendants Post Trial Proposed Finding of Fact and Conclusions of Law. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/7/2013. (eaj) Modified on 5/7/2013 (eaj,). (Entered: 05/07/2013)
05/07/2013	349	ORDER granting 340 Motion to Seal Proposed Findings of Fact and Conclusions of Law. Signed by Magistrate Judge Tonianne J. Bongiovanni on 5/7/2013. (eaj) (Entered: 05/07/2013)

05/07/2013	350	BRIEF in Support of 298 Defendants' Motion in Limine to Preclude Evidence, Redacted (RAO, VINCENT) (Entered: 05/07/2013)
05/07/2013	351	BRIEF in Support of 299 Defendants' Motion in Limine to Preclude Evidence of Instrument Testing, Redacted (RAO, VINCENT) (Entered: 05/07/2013)
05/07/2013	352	BRIEF in Opposition to 288 Plaintiffs' Motion in Limine to Preclude Expert Testimony by James Morrison, Redacted (RAO, VINCENT) (Entered: 05/07/2013)
05/07/2013	353	BRIEF in Opposition to 290 Plaintiffs' Motion in Limine to Preclude All Testimony and Evidence Relating to New and Untimely Disclosed Prior Art References, Redacted (RAO, VINCENT) (Entered: 05/07/2013)
05/08/2013		CLERK'S QUALITY CONTROL MESSAGE - This message is in reference to the Redacted Briefs 350 , 351 , 352 and 353 filed by Vincent Rao, Esq. on 5/7/2013. In the future, counsel is advised that the correct event is REDACTED DOCUMENT found under Other Filings -> Other Documents. This event will allow you to link to where the sealed version of the document can be found. This submission will remain on the docket unless otherwise ordered by the court. (gxh) (Entered: 05/08/2013)
05/08/2013	354	ORDER that, to the extent any party believes that portions of the Opinion should be permanently sealed, that party shall file a formal motion to seal by 5/22/2013; that, if no motion to seal is timely filed, the Court shall immediately unseal the 5/7/2013 Opinion. Signed by Judge Joel A. Pisano on 5/8/2013. (gxh) (Entered: 05/08/2013)
05/09/2013	355	NOTICE OF APPEAL to Federal Circuit as to 113 Opinion, 114 Order, 130 Order on Motion for Reconsideration, 346 Judgment,,, 317 Opinion, 345 Opinion to Seal by CADILA HEALTHCARE LIMITED, ZYDUS PHARMACEUTICALS (USA) INC.. Filing fee \$ 455, receipt number 0312-5002178. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (RAO, VINCENT) (Entered: 05/09/2013)

I. The Technology and Patents-In-Suit

The three patents at issue claim a pharmaceutical dosage form known as an orally disintegrating tablet (“ODT”). An ODT is a tablet formulation that disintegrates in the mouth rapidly in the presence of saliva without the need for water. An ODT provides advantages to children, the elderly or anyone who may have difficulty swallowing conventional tablets and capsules.

The ‘994 and ‘942 patents, both entitled “orally disintegrable tablets”, concern ODT formulations containing fine granules of enteric-coated acid-labile drug. The ‘632 patent, entitled “rapidly disintegrating multiparticular tablet”, claims an ODT with excipient mixture of a swelling agent and disintegrating agent that allows it to disintegrate rapidly in the mouth in less than 60 seconds. Upon disintegration, the active substance is present in the form of coated microcrystals or coated or uncoated microgranules.

II. Standards for Claim Construction

In order to prevail in a patent infringement suit, a plaintiff must establish that the patent claim “covers the alleged infringer’s product or process.” *Markman v. Westview Instrs., Inc.*, 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996). Consequently, the first step in an infringement analysis involves determining the meaning and the scope of the claims of the patent. *Johnson Worldwide Assocs., Inc. v. Zebco Corp.*, 175 F.3d 985, 988 (Fed. Cir. 1995). Claim construction is a matter of law, *Markman v. Westview Instrs., Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) *aff’d* 517 U.S. 370 (1996), therefore, it is “[t]he duty of the trial judge . . . to determine the meaning of the claims at issue.” *Exxon Chem. Patents, Inc. v. Lubrizoil Corp.*, 64 F.3d 1553, 1555 (Fed. Cir. 1995).

In *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005), the Federal Circuit emphasized that “[i]t is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude.” 415 F.3d 1312 (internal quotations omitted) (citing *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576 (Fed. Cir. 1996) (“we look to the words of the claims themselves . . . to define the scope of the patented invention”); *Markman*, 52 F.3d at 980 (“The written description part of the specification itself does not delimit the right to exclude. That is the function and purpose of claims.”)). Generally, the words of a claim are given their “ordinary and customary meaning,” which is defined as “the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention.” *Id.* at 1312-13 (citations omitted). In this regard, the Federal Circuit has noted that

It is the person of ordinary skill in the field of the invention through whose eyes the claims are construed. Such person is deemed to read the words used in the patent documents with an understanding of their meaning in the field, and to have knowledge of any special meaning and usage in the field. The inventor's words that are used to describe the invention--the inventor's lexicography--must be understood and interpreted by the court as they would be understood and interpreted by a person in that field of technology. Thus the court starts the decisionmaking process by reviewing the same resources as would that person, viz., the patent specification and the prosecution history.

Id. (quoting *Multiform Desiccants, Inc. v. Medzam, Ltd.*, 133 F.3d 1473, 1477 (Fed.Cir.1998)).

In the process of determining the meaning of a claim as understood by a person of ordinary skill in the art, a court may look to various sources from which the proper meaning may be discerned. These sources include “the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art.” *Id.* at 1314.

While a court is permitted to turn to extrinsic evidence, such evidence is generally of less significance and less value in the claim construction process. *Id.* at 1317. Extrinsic evidence would include evidence that is outside the patent and prosecution history, and may include expert testimony, dictionaries and treatises. *Id.* The Federal Circuit has noted that caution must be exercised in the use of extrinsic evidence, as this type of evidence may suffer from inherent flaws affecting its reliability in the claim construction analysis. *Id.* at 1319 (“We have viewed extrinsic evidence in general as less reliable than the patent and its prosecution history in determining how to read claim terms.”). While “extrinsic evidence may be useful to the court, . . . it is unlikely to result in a reliable interpretation of patent claim scope unless considered in the context of the intrinsic evidence.”

III. The Disputed Claim Terms

The parties have identified a number of disputed claim terms in each patent. The Court will address each of these in turn.

1. The ‘994 Patent

a. “*fine granules having an average particle diameter of 400 μ m or less*”

This phrase appears in Claim 1 of the ‘994 patent. Plaintiffs contend that this phrase means “fine granules up to and including the enteric coating layer having an average particle diameter of 400 μ m (\pm 10%) or less.” D.I. 94 at Revised Ex. A at 1. Defendants argue that the Court should construe the phrase as meaning the following:

“fine granules having an average particle diameter of precisely 400 μ m or less” wherein the term “average particle diameter” references the “median diameter” value of the fine granules (as set forth in the specification of U.S. Patent No. 6,328,994 col. 5, ll. 43-46, when measured within the tablet (as set forth in claim 1).

Id. at 1. Defendants do not dispute that the coating of the composition is measured when determining average particle diameter.

The parties dispute as to this claim term is two-fold. The first dispute centers on the phrase “average particle diameter” within the disputed claim term. Plaintiffs argue that no construction is necessary and the plain and ordinary meaning of the phrase should apply. Defendants, on the other hand, argue that “average particle diameter” is limited to the “median diameter” value of the fine granules when measured within the tablet. However, the portion of the specification relied upon by the Defendants does not limit “average particle diameter” to just the median diameter. Indeed, the specification states that “[a]verage particle diameter means volume based distribution median diameter (median diameter: 50% particle diameter from cumulative distribution), *unless otherwise specified.*” ‘994 patent, col. 5, lines 43-45 (emphasis added). Thus, to extent that Defendants seek a construction of the phrase “average particle diameter”, the Court sees no reason to limit it as Defendants contend. The Court finds no ambiguity with phrase and its ordinary and customary meaning would be clear to one skilled in the art. Therefore, no construction is necessary.

The parties’ remaining dispute centers on whether the claim limitation of “400µm or less” should be read as 400µm (\pm 10%) or as “precisely” 400 µm or less. As Plaintiffs point out, the specification is clear that “fine granules having a particle diameter of 400 µm or less” is not precise. First, the specifications states:

In the present invention, “fine granules having an average particle diameter of 400 µm or less, which fine granules comprise a composition coated by an enteric coating layer, said composition having 10 weight % or more of an acid-labile physiologically active substance” have an average particle diameter of about 400 µm or less, in order that roughness is not felt in the mouth.

‘994 patent, col. 5, lines 57-63. It further states elsewhere: “[E]specially when used in an orally disintegrable tablet, the average particle diameter of the included granules must be about 400 μm or less, preferably about 350 μm .” *Id.*, col. 2, lines 18-21. Thus, the specification correlates “average particle diameter of 400 μm or less” with “an average particle diameter of *about* 400 μm or less.”

The specification in the ‘994 patent notes that a measurement of “average particle diameter” can be obtained utilizing a laser diffraction particle distribution method, for example, “a method using Raser Diffraction Analyzer, type: HEROS RODOS [trade name; manufactured by Sympatec (Germany)]. ‘994 patent, col. 5, lines 46-47 (brackets in original). This is, in fact, the instrument used in performing such an analysis with respect to the examples in the specification. *See* ‘994 patent, col. 19, lines 32-37. According to Plaintiff’s expert, Dr. Byrn, a deviation of 10% for measurements by laser diffraction particle distribution is universally accepted. *See* Byrn Decl. ¶¶ 28-30. In support of his conclusion, Dr. Byrn points to the U.S. Pharmacopeia (“USP”) standard, which has been accepted and used by others skilled in the art. *See id.*, Ex. 6.

Defendants dispute the applicability of 10% deviation figure. Defendants, however, do not necessarily dispute in substance the authorities relied upon by Dr. Byrn, but rather argue that the authorities relied upon by Dr. Byrn postdate the relevant patent application. Based upon an academic publication from 2002, Defendants argue that the figure during the relevant time period was not 10%, but rather was less than 3%. *See* Def. Brf. at 10 (citing R. Xu, *Paricle Characterization: Light Scattering Methods* (2002) at 166 (“... a modern commercial instrument should easily achieve a relative standard deviation less than 3% of the median value in repeat measurement...”). However, the Court is not persuaded by such

reference, as Defendants provide no basis for the Court to conclude that the state of the technology is such that its accuracy actually became worse over time.

For the reasons above, the Court shall adopt Plaintiff's construction, and define "fine granules having an average particle diameter of 400 μm or less" to mean "fine granules up to and including the enteric coating layer having an average particle diameter of 400 μm ($\pm 10\%$) or less."

b. *"said composition having 10 weight % or more of an acid-labile physiologically active substance that is lansoprazole"*

This phrase appears in Claim 1 of the '994 patent. Plaintiff argue that this disputed phrase should be construed as "said composition up to but not including the enteric coating layer having 10 weight % or more of an acid-labile physiologically active substance that is lansoprazole". D.I. 94 at Revised Ex. A at 2. Defendants, on the other hand, contend that this claim limitation does not require construction and should be considered to have its plain meaning. If, however, the Court determines that construction is appropriate, Defendants argue that this phrase should be construed as: "said composition is an enteric coated granule having 10 weight % or more of an acid-labile physiologically active substance that is lansoprazole". *Id.*

The basic difference in the parties' construction centers on whether the "composition" includes the enteric coating layer (as Defendants contend) or excludes the enteric coating layer (as Plaintiffs contend). The Court finds that the claim language itself dictates the Plaintiffs' construction. Claim 1 of the '994 patent reads as follows:

An orally disintegrable tablet which comprises (i) fine granules having an average particle diameter of 400 μm or less, which fine granules comprise a composition coated by an enteric coating layer comprising a first component

which is an enteric coating agent and a second component which is a sustained-release agent, said composition having 10 weight % or more of an acid-labile physiologically active substrate that is lansoprazole and (ii) an additive wherein said tablet having a hardness strength of about 1 to about 20 kg, is orally disintegrable.

As the “composition” is “coated by an enteric coating layer”, the “composition” must necessarily be exclusive of the enteric coating layer. Further, contrary to the arguments of Defendants, the Court finds in the record no “clear and unmistakable disclaimer” of such a reading by the patentee. *See Ecolab, Inc. v. FMC Corp.*, 569 F.3d 1335, 1342 (Fed. Cir. 2009) (disclaimer may be found “only if the allegedly disclaiming statements constitute a clear and unmistakable surrender of subject matter Even if an isolated statement appears to disclaim subject matter, the prosecution history as a whole may demonstrate that the patentee committed no clear and unmistakable disclaimer.”) (internal quotations and citations omitted).

Consequently, the Court construes “said composition having 10 weight % or more of an acid-labile physiologically active substance that is lansoprazole” consistent with Plaintiff’s proposed construction: “said composition up to but not including the enteric coating layer having 10 weight % or more of an acid-labile physiologically active substance that is lansoprazole”.

c. “*wherein the average particle diameter of the fine granule is 300 to 400 μ m*”

This phrase appears in claim 2 of the ‘994 patent. Plaintiffs proffer the following proposed construction: “wherein the average particle diameter of the fine granule is 300 to 400 μ m ($\pm 10\%$)”. D.I. 94 at Revised Ex. A at 4. Defendants argue that the Court should construe the phrase as meaning the following:

“fine granules having an average particle diameter of precisely 400 μm or less” wherein the term “average particle diameter” references the “median diameter” value of the fine granules (as set forth in the specification of U.S. Patent No. 6,328,994 col. 5, ll. 43-46, when measured within the tablet (as set forth in claim 1).

Id.

For the reasons above in section III(1)(a) of this Opinion (construing “fine granules having an average particle diameter of 400 μm or less”), the Court adopts Plaintiffs’ proposed construction, and shall construe “wherein the average particle diameter of the fine granule is 300 to 400 μm ” as meaning “wherein the average particle diameter of the fine granule is 300 to 400 μm ($\pm 10\%$)”. The phrase “average particle diameter” shall have its plain and ordinary meaning as understood by one skilled in the art.

2. The ‘942 Patent

a. “fine granules having an average particle diameter of 300 to 400 μm ”

This phrase appears in claim 1 of the ‘942 patent. Plaintiffs contend the limitation should be construed as meaning “fine granules up to and including the enteric coating layer and mannitol coating layer outside the enteric coating layer having an average particle diameter of 300 to 400 μm ($\pm 10\%$)”. D.I. 94 at Revised Ex. A at 6. Defendants argue that the phrase should be construed as follows:

“fine granules having an average particle diameter of precisely 300 to 400 μm or less” wherein the term “average particle diameter” references the “median diameter” value of the fine granules (as set forth in the specification at U.S. Patent No. 6,328,994 col. 5, ll. 43-46), when measured within the tablet (as set forth in claim 1)

Id.

Defendants do not dispute that the fine granules comprise a composition coated by an enteric coating layer and a coating layer comprising mannitol outside the enteric coating

layer, and do not dispute that such coatings are measured when determining average particle diameter. Consequently, for the reasons above in section III(1)(a) of this Opinion (construing “fine granules having an average particle diameter of 400 μm or less”), the Court adopts Plaintiff’s proposed construction, and shall construe “fine granules having an average particle diameter of 300 to 400 μm ” as meaning “fine granules up to and including the enteric coating layer and mannitol coating layer outside the enteric coating layer having an average particle diameter of 300 to 400 μm ($\pm 10\%$)”. The phrase “average particle diameter” shall have its plain and ordinary meaning as understood by one skilled in the art.

3. The ‘632 Patent

a. *“permits to obtain reduced ph influence in the digestive tract”*

This term appears in claim 1 of the ‘632 patent. Claim 1 reads as follows:

A rapidly disintegratable tablet for oral administration and disintegration in the buccal cavity without the use of water, wherein said tablet comprises an active substance and a mixture of non-effervescent excipients and permits to obtain reduced pH influence in the digestive tract and reduced influence of viscosity, said active substance being multiparticulate and in the form of coated microcrystals, or coated microgranules and wherein said mixture of excipients comprises a disintegrating agent and swelling agent which are responsible for the disintegration of the tablet with the saliva present in the mouth, to achieve in less than 60 seconds a suspension easy to swallow.

‘632 patent, claim 1. Plaintiffs argue that “permits to obtain reduced ph influence in the digestive tract” as it appears in this claim should be construed to mean “the active ingredient in the tablet is less influenced by stomach pH (*i.e.*, the drug is coated)”. D.I. 94 at Revised Ex. A at 8. Defendants contend that the claim limitation is indefinite and does not require construction.

“[A] claim is indefinite only if the ‘claim is insolubly ambiguous, and no narrowing construction can properly be adopted.’ ” *Honeywell Int’l, Inc. v. Int’l Trade Comm’n*, 341 F.3d

1332, 1338-39 (Fed. Cir. 2003) (quoting *Exxon Research & Eng'g Co. v. United States*, 265 F.3d 1371, 1375 (Fed. Cir. 2001)). “If the meaning of the claim is discernible, even though the task may be formidable and the conclusion may be one over which reasonable persons will disagree, we have held the claim sufficiently clear to avoid invalidity on indefiniteness grounds.” *Exxon*, 265 F.3d at 1375.

The ‘ 632 patent teaches that one of the invention’s features is, among others, “reduced pH influence in the digestive tract”:

the tablet according to the invention has all the advantages of coated particles which permit to obtain especially a taste-masking, a gastroresistance, a delayed release as well as all the advantages of the multiparticulate forms with modified action or non-modified action, i.e. a great exchange surface, the dispersion, less inter- and intra-individual variations, a very reduced gastric emptying influence as well as **reduced pH influence in the digestive tract**, reduced influence of viscosity and consequently of food and of the position of the body, without local toxic manifestation.

‘632 patent, col. 3, lines 41-51 (emphasis added). The patent also teaches that one of the advantages of using a coated multiparticulate dosage form is “gastroresistance,” or resistance to the acidic environment of the stomach. *See id.*; *see also id.* at col. 7, lines 9-14 (“it consists of a tablet which combines a high level technology (control release, of gastroresistance, of taste-masking of the active principle) with a high security of use due to its multiparticulate form by way of the coating during the process of manufacture and to the fact that is disintegration occurs in the mouth, ...”). However, contrary to the contentions of Plaintiff, nothing in the specification or the testimony of Defendants’ expert, who testified that the invention’s “formulation design should lead to gastroresistance,” definitively correlates gastroresistance to phrase “reduced pH influence in the digestive tract.” In fact, the specification would imply otherwise, as “gastroresistance” and “reduced pH influence in the digestive tract” are listed independently in the portion of the specification quoted above.

That being said, the Court is also not persuaded, at least at this juncture, that the term is unable to be construed and, therefore, indefinite. Overall, the parties simply did not adequately justify their respective arguments. For example, in the parties' joint claim construction chart, Plaintiffs cite to the January 5, 2000 Amendment (Ex. 10 to Byrn Decl.) submitted to the PTO in support of their construction of this term. This Amendment, in the relevant part, states as follows:

By this amendment, claims 1 and 6 have been cancelled, claim one is replaced with new claim 1 ... New claim 1 has been drafted in order to meet objections 1 and 2 page 3 of the action by incorporation of positive language. In that respect the language << Free of acids and of any substance which develops high viscosity in contact with water >> is replaced by << permits to obtain reduced pH influence in the digestive tract and reduced influence of viscosity >>.

Byrn Ex. 10 at TAKZ0001270. Nevertheless, although cited by Plaintiffs, neither party addressed the prosecution history as it relates to this disputed term in much more than a conclusory fashion. Consequently, construction of "reduced pH influence in the digestive tract" shall await summary judgment or trial.

b. *"permits to obtain ... reduced influence of viscosity"*

This term appears in claim 1 of the '632 patent. Plaintiffs argue that this limitation should be construed to mean "the formulation influences viscosity less than the prior art formulations of record that have excipients increasing viscosity". D.I. 94 at Revised Ex. A at 9. Defendants contend that the claim limitation is indefinite and does not require construction.

The Court finds that the intrinsic evidence, specifically the prosecution history, supports Plaintiffs' proposed construction. During prosecution, the patentee amended Claim 1 of the patent to include this limitation in order to overcome prior-art references, U.S. Patent

4,886,669 and its counterpart EP 273,005 (“the Zyma references”). Byrn Decl. ¶¶ 49-50, Exs. 7 and 8. The Zyma references disclose tablets that use excipients to increase viscosity. Here, the patentee included this specific claim language with respect to viscosity in order to distinguish over the prior-art Zyma references:

“The proposed claim differs from the [US Zyma] reference in that it defines tablets which are free of any substance which develops a high viscosity when in contact with water.”

“The proposed claim differs from the [EP Zyma] reference in that it defines tablets which are free of any substance which develops a high viscosity when in contact with water.”

Byrn Decl. ¶ 51, Ex. 9. The specification uses the phrase “reduced influence of viscosity,” ‘632 patent, col. 3, lines 49-50, so it is logical that the patentee subsequently amended its former viscosity- related claim language to “permits to obtain . . . reduced influence of viscosity.” The Court, consequently, shall construe the disputed claim term consistent with Plaintiff’s proposed construction.

c. *“said active substance being multiparticulate and in the form of coated microcrystals, or coated microgranules”*

This term appears in claim 1 of the ‘632 patent. Plaintiffs propose the following construction: “the active substance is multiparticulate, where individual microcrystals or microgranules containing the active ingredient are entirely coated (*i.e.*, not monolithic)”. D.I. 94 at Revised Ex. A at 10. Defendants argue that this limitation does not require construction as its meaning is plain. To the extent that the Court may find construction of the phrase necessary, Defendants propose the following construction: “the active substance being multiparticulate and in the form of coated microcrystals, or coated microgranules”. *Id.*

The Court discerns no ambiguity in the term and finds that its ordinary and customary meaning would be clear to one skilled in the art. Consequently, the Court agrees with Defendants that no construction of this term is necessary. Rather, the plain meaning of the term as understood by someone of ordinary skill shall apply.

d. “*disintegrating agent*”

This term appears in claim 1 of the ‘632 patent. *See* claim 1 (“wherein said mixture of excipients comprises a disintegrating agent and swelling agent which are responsible for the disintegration of the tablet with the saliva present in the mouth”). Plaintiffs assert that this claim term means “a substance, or mixture of substances, added to a tablet to facilitate its breakup or disintegration after administration”. D.I. 94 at Revised Ex. A at 11. Defendants, on the other hand, propose the following construction: “a substance, which is not a direct compression sugar, sucrose or lactose, that is a causal agent in the breakup or disintegration of the tablet by a function other than dissolution, and which, in accord with its art-recognized definition, breaks the tablet into smaller particles that dissolve more rapidly than in the absence of the disintegrant”. *Id.*

The parties first dispute whether a disintegrating agent must be a causal agent in the breakup of the tablet or merely facilitates disintegration. Plaintiff argues that both the disintegration agent and the swelling agent are needed for disintegration and, therefore, the “disintegration agent” merely facilitates, rather than causes, disintegration. Defendants argue that the disintegration agent must be a causal agent in the disintegration of the tablet.

Exactly the same issue and arguments regarding the same patent and claim term were addressed by the court in *Takeda Pharmaceutical Co. Ltd. v. Teva Pharmaceuticals USA, Inc.*, 668 F.Supp.2d 614 (D. Del. 2009):

The parties do take issue as to whether a disintegrating agent, as contemplated by claim 1, must “cause” disintegration or merely “facilitate” disintegration. The extrinsic references identified by the parties define “disintegrating agent” as a substance that both “facilitates” and “causes” the breakup or disintegration of a tablet. Looking to the specification, the examples identified as disintegrating agents are known in the art as “super-disintegrants,” *i.e.*, excipients whose disintegrating characteristics bear a strong causal relationship to the breakup of a tablet. Super-disintegrants are classified as such due to the comparatively low amount of excipient required to achieve the disintegration of a formulation.

Like the specification, the prosecution history is more consistent with a construction requiring an agent that “causes” disintegration. During prosecution, the examiner rejected the claims of the application leading to the ‘632 patent (“the application”) as unpatentable over U.S. Patent No. 5,073,374 granted to McCarty (“McCarty”). McCarty teaches a quickly dissolving tablet comprising a soluble API, a lubricant and “a soluble, directly compressible tablet excipient.” The soluble excipient disclosed in McCarty “is typically a sugar, such as sucrose or lactose.” Although claim 1 of McCarty describes a buccal tablet where “... disintegration occurs from 0.5 to 5 minutes after administration” (emphasis added), in traversing the rejection, the patentee nevertheless alleged that McCarty “clear[ly] ... does not teach disintegrating agents.”

Teva, 668 F.Supp.2d at 621. Judge Robinson concluded that

[i]n light of the descriptions of “disintegrating agent” given in the specification and the prosecution history, the court concludes that a causal relationship must exist between the disintegrating agent and the act of disintegration. Put another way, excipients that facilitate disintegration, but are not known in the art to cause disintegration as “disintegrating agents,” will not fall within this limitation.

Id.

This Court agrees with Judge Robinson’s reasoning and conclusion. Based upon intrinsic evidence, a “disintegrating agent” must have a causal effect on the act of disintegration.

The second area of dispute regarding this term involves Defendants’ claim that a disintegration agent cannot be a direct compression sugar, sucrose or lactose. Defendants argue that the patentee disavowed these substances in order to distinguish over the McCarty

reference. However, the Court, having reviewed the prosecution history, does not find the “clear and unmistakable disclaimer” that would be required for Defendants’ argument to prevail.

Consequently, the Court shall adopt a construction that combines both parties’ proposals and construe “disintegrating agent” as “a substance, or mixture of substances, added to a tablet that is a causal agent in its breakup or disintegration after administration.”

e. “*swelling agent*”

This term appears in claim 1 of the ‘632 patent. Plaintiffs offer the following proposed construction: “a substance, or mixture of substances, which, when contacted with liquid, absorbs the liquid and expands in volume”. D.I. 94 at Revised Ex. A at 12.

Alternatively, Defendants assert that this term should be construed to mean “a non-causal agent in the disintegration or break-up of the table constituting a three-dimensional network of hydrophilic polymer chains that are chemically or physically crossed linked which absorb either aqueous or organic solutions and thereby expand from 10 to 1,000 times their own weight”. *Id.*

The Court finds Plaintiffs’ proposed construction to be more in accord with the intrinsic evidence and the customary meaning of the term “swelling agent” to persons of ordinary skill in the art. As Plaintiffs point out, the term “swelling agent” was a well-known term of art at the relevant time. *See* Byrn Decl. ¶ 72, Exs. 18-21. The *Teva* court noted that the “ordinary meaning” of swelling agent is “a substance which, when contacted with liquid, absorbs the liquid and expands in volume.” *Teva*, 668 F.Supp.2d at 621.¹ Nothing in the specification or claims of the ‘632 patent indicates that a different definition for swelling

¹ The parties in that case did not dispute this construction.

agent should apply. Consequently, the Court construes “swelling agent” as “a substance, or mixture of substances, which, when contacted with liquid, absorbs the liquid and expands in volume”.

f. *“to achieve in less than 60 seconds a suspension easy to swallow”*

This term appears in claim 1 of the ‘632 patent. Plaintiffs contend that the phrase means “the mean time to achieve a suspension easy to swallow is less than 60 seconds.” *Id.* at 13. Defendants argue that the claim limitation does not require construction and should be considered to have its plain meaning. Alternatively, Defendants propose the following construction: “the absolute time to achieve a suspension easy to swallow is precisely less than 60 seconds”. *Id.*

The Court discerns no ambiguity in the term and finds that its ordinary and customary meaning would be clear to one skilled in the art. Consequently, the Court agrees with Defendants that no construction of this term is necessary. Rather, the plain meaning of the term as understood by someone of ordinary skill shall apply.

IV. Conclusion

For the reasons set forth above, the disputed claim terms will be construed as indicated. An appropriate Order shall accompany this Opinion.

/s/ Joel A. Pisano
JOEL A. PISANO, U.S.D.J.

Dated: October 5, 2011

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TAKEDA PHARMACEUTICAL CO,
LIMITED, et al.

Plaintiff,

v.

ZYDUS PHARMACEUTICALS
USA INC., et al.

Defendant.

Civil Action No. 10-1723 (JAP)

ORDER

Presently before the Court is a motion by defendants Zydus Pharmaceuticals USA, Inc and Cadila Healthcare, Limited (together, “Defendants”) for reconsideration of a portion of the Court’s October 15, 2011 claim construction Order and Opinion. Specifically, the motion is directed to the Court’s construction of two disputed claim terms found in U.S. Patent No. 6,328,994 (the “‘994 patent”) and U.S. Patent No. 7,431,942 (the “‘942 patent”). The Court construed the term “fine granules having an average particle diameter of 400 μ m or less” in the ‘994 patent to mean “fine granules up to and including the enteric coating layer having an average particle diameter of 400 μ m (\pm 10%) or less,” and construed the term “average particle diameter of ... 300 to 400 μ m” in the ‘994 patent and ‘942 to mean “average particle diameter of 300 to 400 μ m (\pm 10%).”

Reconsideration is an extraordinary remedy that is normally appropriate only when one of the following three grounds for relief is established: “(1) ‘an intervening change in the

controlling law has occurred; (2) evidence not previously available has become available; or (3) it is necessary to correct a clear error of law or prevent manifest injustice.’ ” *Carmichael v. Everson*, Civ. No. 03–4787, 2004 WL 1587894, *1 (D.N.J. May 21, 2004) (quoting *Database America, Inc. v. Bellsouth Advertising & Pub. Corp.*, 825 F.Supp. 1216, 1220 (D.N.J.1993); *North River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir.1995)). The party seeking reconsideration bears a heavy burden, and cannot merely “restate arguments which the court has already considered” or assert a disagreement with the Court’s decision. *Tormasi v. Hayman*, Civ. No. 08–05886, 2011 WL 890676, at *14 (D.N.J. Mar. 14, 2011). *See also G–69 v. Degnan*, 748 F.Supp. 274, 275 (D.N.J.1990); *Carteret Savings Bank, F.A. v. Shushan*, 721 F.Supp. 705, 709 (D.N.J.1989).

Defendants here have not met their burden. In fact, Defendants do little more than argue that the Court erred in its claim construction, and they repeat a number of arguments that had earlier been presented to and evaluated by the Court. This simply is not sufficient. Consequently,

IT IS on this 25th day of January 2012

ORDERED that Defendants’ motion for reconsideration [116] is DENIED.

/s/ Joel A. Pisano
JOEL A. PISANO, U.S.D.J.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TAKEDA PHARMACEUTICAL CO,
LIMITED, et al.

Plaintiffs,

v.

ZYDUS PHARMACEUTICALS
USA INC., et al.

Defendants.

Civil Action No. 10-1723 (JAP)

OPINION

PISANO, District Judge.

Plaintiffs Takeda Pharmaceutical Company Limited, Takeda Pharmaceuticals North America, Inc., Takeda Pharmaceuticals LLC, Takeda Pharmaceuticals America, Inc., (collectively, “Takeda”) and Ethypharm, S.A. (“Ethypharm,” together with Takeda, “Plaintiffs”) bring this Hatch-Waxman patent infringement action against defendants Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Limited (together, “Defendants”) claiming infringement of the following patents alleged to cover Takeda’s Prevacid SoluTab product (“SoluTab”): U.S. Patent Nos. 6,328,994 (the “ ‘994 patent”), 7,431,942 (the “ ‘942 patent”), 7,875,292 (the “ ‘292 patent”) and 5,464,632 (the “ ‘632 patent”). Trial is scheduled to begin on March 26, 2013. Presently before the Court are the parties’ motions *in limine*.

1. Plaintiff’s Motion to Preclude Expert James Morrison

Plaintiffs move to preclude the testimony of Defendants’ expert witness James Morrison, a former employee of the United States Food and Drug Administration (“FDA”) who was

employed with the agency for nearly 40 years. Federal Rule of Evidence 702 governs the admissibility of expert testimony and states:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

Fed. R. Evid. 702. “Under the Federal Rules of Evidence, a trial judge acts as a ‘gatekeeper’ to ensure that ‘any and all expert testimony or evidence is not only relevant, but also reliable.’”

Pineda v. Ford Motor Co., 520 F.3d 237, 243 (3d Cir. 2008) (quoting *Kannankeril v. Terminix Int’l, Inc.*, 128 F.3d 802, 806 (3d Cir. 1997) (citing *Daubert v. Merrell Dow Pharms.*, 509 U.S. 579, 589-92 (1993))). In making this determination, the Court undertakes a three-pronged inquiry: (1) the witness is qualified as an expert in a particular field; (2) the methodology applied by the witness is sufficiently reliable; and (3) the witness’s testimony “fits” the facts of the case in dispute—that is, the proffered testimony would assist the trier of fact. *Pineda*, 520 F.3d at 244. The burden of meeting these elements, and of showing that “good grounds” exist for the expert’s opinion, lies with the proponent. *U.S. v. Mitchell*, 365 F.3d 215, 244 (3d Cir. 2004).

Plaintiffs’ argument in support of its motion centers on its assertions that Morrison is not qualified to testify because he is not one skilled in the relevant art and, therefore, cannot opine on infringement and invalidity. However, as Defendants state, they are not proffering Morrison to testify or opine “on the intricacies of the chemistry underlying the claims at issue, or even patent invalidity.” Def. Br. at 10. Rather, Defendants state that they intend to proffer Morrison to testify about the “expectations of the [FDA] vis-à-vis [certain] representations made by Zyduz ..., and whether the FDA would accept certain conclusions reached by Plaintiffs’ infringement

expert...” Def. Br. at 2. In this light, the Court has reviewed the materials submitted by Defendants and finds that Defendants have shown that Morrison satisfies the three requirements noted above. As such, the Court shall deny Plaintiffs’ motion.¹

2. Plaintiffs’ Motion to Preclude Evidence of Prior Art References

Plaintiffs move pursuant to Federal Rule of Civil Procedure 37(c)(1) to preclude all testimony and other evidence relating to six particular prior art references (the “New References”) that Plaintiffs allege were improperly introduced for the first time at the September 24, 2012 deposition of Plaintiffs’ expert Dr. Fennerty and the February 20, 2013 deposition of Plaintiffs’ expert Dr. Byrn. Plaintiffs claim that Zydus never cited any of the New References in any of its required contentions or in any of its expert reports, and further state that Defendants “[u]ndoubtedly ... will try to use the New References accompanying new invalidity theories to bolster its case that the asserted ‘632 patent is purportedly invalid.” Pl. Br. at 2.

Rule 37 provides that “[i]f a party fails to provide information or identify a witness as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or is harmless.” Fed. R. Civ. P. 37(c)(1). Under Rule 26(a), however, evidence that is to be used solely for impeachment purposes is not required to be produced as the rule’s required disclosures.

In response to Plaintiffs’ motion, Defendants state that their intent is only to offer the New References at trial with Dr. Byrn for impeachment and/or to refresh recollection. In such a situation, it is not required that the references be previously disclosed as part of Defendants’

¹ In permitting Morrison to testify, the Court makes no determination at this time regarding this witnesses’ credibility. If the Court, as factfinder, does not find Morrison’s testimony to be convincing, or if the basis for any of his conclusions is lacking, then his testimony can be found to be not credible.

earlier-served invalidity contentions. Being that it is not Defendants' intent to offer the New References as invalidating prior art, the Court finds Plaintiffs' motion to be without basis and the motion shall be denied.

3. Defendants' Motion to Preclude Evidence of Particle Size Diameter

Defendants have moved *in limine* to preclude certain evidence of average particle diameter. Defendants rely primarily upon *Bayer AG v. Elan Pharmaceutical Research Corp.*, 212 F.3d 1241 (Fed. Cir. 2000) in arguing that the Court need not look beyond the ANDA to resolve the infringement issues in this case. Plaintiffs oppose the motion, and argue that Defendants' motion, although styled as one *in limine*, is actually more properly a motion for summary judgment.

The focus of the infringement inquiry in this case, like a typical ANDA case, is on what the ANDA applicant will likely market if the application is approved. *See Bayer Schering Pharma AG v. Lupin, Ltd.*, 676 F.3d 1316, 1330 (Fed. Cir. 2012). The question to be answered is whether, if Defendants' drug were put on the market, it would infringe the relevant patents. *See id.* Such a question should not be resolved by way of a motion *in limine*, but rather, given the stage of this litigation, should be determined at trial. The Court, therefore, denies Defendants' motion.

4. Defendants' Motion to Preclude Evidence of Instrument Testing

During *Markman* proceedings in this case the parties sought construction of a number of claim terms, including the following: "fine granules having an average particle diameter of 400 μm or less" ('994 Patent, Claim 1); "fine granules having an average particle diameter of 300 to 400 μm " ('942 Patent, Claim 1); and "wherein the average particle diameter of the fine granules is 300 to 400 μm " ('994 Patent, Claim 2). Plaintiffs' proposed constructions for these terms,

ultimately adopted by the Court, incorporated a $\pm 10\%$ deviation into the average particle diameter measurement. This was based upon the accepted standard of error for a method of measurement called laser diffraction.

Defendants are seeking to prevent Plaintiffs from introducing evidence of the average particle diameter of the granular distribution of fine granules in Zydus's exhibit batch tablets measured by any method other than laser diffraction. Defendants now assert that the Court's claim constructions that incorporate the $\pm 10\%$ deviation apply only to laser diffraction and only to batch/bulk sample measurements. However, the Court did not construe the abovementioned terms to include any such limitations. Indeed, Defendants did not even advance such a position during the claim construction process. The Court having not previously construed the above terms to include the limitations now advanced by Defendants, the Court will not preclude Plaintiffs from introducing evidence of particle sized measured by a method other than laser diffraction. Defendants' motion is denied.

For the reasons above, the parties' motions *in limine* are denied. An appropriate Order accompanies this Opinion.

/s/ Joel A. Pisano
Joel A. Pisano, U.S.D.J.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TAKEDA PHARMACEUTICAL CO,
LIMITED, et al.

Plaintiffs,

v.

ZYDUS PHARMACEUTICALS
USA INC., et al.

Defendants.

Civil Action No. 10-1723 (JAP)

ORDER

Presently before the Court are the parties' four motions *in limine*. The Court has reviewed the submissions of the parties and decides the motions without oral argument pursuant to Federal Rule of Civil Procedure 78. For the reasons set forth in the accompanying Opinion,

IT IS on this 20th day of March 2013

ORDERED that the four motions [docket entry numbers 288, 290, 298, 299] are
DENIED.

/s/ Joel A. Pisano
Joel A. Pisano, U.S.D.J.

3. The effective date of any Food and Drug Administration approval of Zydus's ANDA product that is the subject of this lawsuit shall be no earlier than the date of expiration for '994 patent and any pediatric exclusivity that applies to the '994 patent.

4. Zydus is hereby enjoined from engaging in the commercial manufacture, use, offer for sale or sale within the United States, or importation into the United States, of Zydus's ANDA product until expiration of the '994 patent.

/s/ Joel A. Pisano
JOEL A. PISANO, U.S.D.J.